

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. July 14, 2009

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on July 7, 2009

AWARDS AND PROCLAMATIONS

- Awards
Certificate of Appreciation
Introduction and Certificate of Recognition to the 2009-2010 Mayor's Youth Council

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Linda Kirby-Request for City Council to dedicate Veteran's Park to the memory of the men and women who have served in the Armed Forces of the U.S.
2. John Wilson-Proposal to confirm and rededicate Veteran's Memorial Park to the memory of those who have served in the American Armed Forces.

COUNCIL BUSINESS

II. UNFINISHED COUNCIL BUSINESS

1. Repair or Removal of Dangerous Structures - 2001 East 21st Street North. (District I)
(Deferred June 9, 2009)

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: 1)the structure is kept secure; 2)the premise is routinely mowed and kept clean and free of debris; and 3)the service station premise is secured in manner to deter unauthorized access onto the gas station premise.

III. NEW COUNCIL BUSINESS

1. Public Hearing and Issuance of Industrial Revenue Bonds, Bombardier Learjet. (Districts IV and V)

RECOMMENDED ACTION: Close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds for Learjet, Inc. in the amount not-to-exceed \$5,700,000, and authorize necessary signatures.

2. Proposed Adoption of a New Ordinance Pertaining to Water Conditioning Contractors and Installers. (City Code Title 21.14)

RECOMMENDED ACTION: Approve first reading of the ordinance adopting Title 21.14 of the Code of the City of Wichita pertaining to water conditioning contractors and installers.

3. Transportation Services Agreement with Sedgwick County.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures, and authorize any necessary budget adjustments.

4. Cultural Funding Recommendations after Reallocation.

RECOMMENDED ACTION: Approve the Fiscal Year (FY) 2010 funding reallocations recommended for arts and cultural organizations by the Cultural Funding Committee.

5. Name Southwest Corner of Mt. Vernon and Bluff, Meadowlark Park. (District III)

RECOMMENDED ACTION: Approve naming the Southwest Corner of Mt. Vernon and Bluff, Meadowlark Park.

6. Ordinances Amending City Code Sections 2.05.010 and 2.05.020 Establishing Master Written Undertaking for GO Bond and Note Sales.

RECOMMENDED ACTION: Approve the Mayor's Requests for Declaration of Emergency and pass the attached Ordinances to amend the City's Code Sections 2.05.010 and 2.05.020, on first reading.

7. Aquifer Storage and Recovery-Design Contract for Well Field Maintenance Facility and Supervisor's Residence.

RECOMMENDED ACTION: Approve the Agreement for Professional Design Services and authorize the necessary signatures.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

IV. NON-CONSENT PLANNING AGENDA

1. CUP2008-52– DP 18 Amendment #3 to allow a nightclub on property zoned LC Limited Commercial; generally located north of 21st Street North and east of Somerset Avenue (1580 West 21st Street North). (District VI)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the community unit plan amendment subject to the recommended conditions (requires a $\frac{3}{4}$ supermajority vote by the governing body to override the valid protest); OR 2) Adopt the findings of the MAPC and approve the CUP Amendment subject to staff recommended conditions plus the additional conditions agreed to by the applicant as outlined in the memorandum of March 4, 2009 (requires a $\frac{3}{4}$ supermajority vote by the governing body to override the valid protest); OR 3) Return the application to the MAPC for reconsideration (requires a simple majority). (An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

V. CONSENT PLANNING AGENDA (ITEMS 1 THROUGH 4)

1. *SUB 2008-95 -- Plat of Krug South Commercial Addition located on the southwest corner of 21st Street North and 143rd Street East. (District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

2. *SUB 2009-04 -- Plat of Blaney Addition located south of 31st Street South and on the west side of Greenwich Road. (County)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolution.

3. *SUB 2009-20 -- Plat of Red Rock Village Addition located east of 135th Street West and on the south side of Pawnee. (District IV)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

4. *A09-07 Request by Billy J. Gray of GKCF,LLC to annex lands generally located south of MacArthur Road and west of Hoover Road. (District IV)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Allan Murdock, Housing Member is also seated with the City Council.

VI. NON-CONSENT HOUSING AGENDA

None

VII. CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VIII. NON-CONSENT AIRPORT AGENDA

None

IX. CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

X. COUNCIL MEMBER AGENDA

None

XI. COUNCIL MEMBER APPOINTMENTS

1. Plumbing Board Appointments.
(Deferred July 7, 2009)

RECOMMENDED ACTION: Approve the appointments.

2. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

XII. CONSENT AGENDA (ITEMS 1 THROUGH 22A)

1. Report of Board of Bids and Contracts dated July 13, 2009.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>New</u>	<u>2009</u>	<u>Consumption off Premises</u>
Gurindeerpal S. Sira	Flying Eagle 2 Mideast Corporation	6330 East 21 st Street North

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates: (None)

RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvements:

- a. Petition for Sanitary Sewer in West Towne Industrial 2nd Addition, east of Hoover, south of Kellogg. (District IV)
- b. Petitions for Sanitary Sewer and Water Distribution Systems to serve part of Woodland Hills Addition, north of Central, west of 151st Street West. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

5. Statement of Costs:

- a. Statement of Costs. (See Attached)

RECOMMENDED ACTION: Approve and file.

6. Consideration of Street Closures/Uses.

- a. Wichita Half Marathon. (District IV)
- b. All America City Street Party. (District VI)
- c. SPECS Sunday Criterium Race. (District IV)
- d. Washington, between Lewis and English. (District I)

RECOMMENDED ACTION: Approve street closure.

7. Agreements/Contracts:

- a. Kansas Department of Transportation (KDOT) Construction Training Project.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

8. Change Orders:

- a. Change Order and Petition for auxiliary traffic lanes at Oliver and Orme. (District III)
- b. Rocky Creek Relief Sewer, south of 21st Street, east of 127th Street East. (District II)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

9. Property Acquisitions:

- a. Partial Acquisition of 15815 West McCormick for the Goddard School 2nd Addition Sanitary Sewer Project, East of 167th Street and North of West Kellogg. (District V)
- b. Partial Acquisition of 11800 West Kellogg for the Lateral 23, Main 13 Southwest Interceptor Sewer Project at West Kellogg and 111th. (District IV)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

10. Minutes of Advisory Boards/Commissions

Board of Appeals of Refrigeration, Air-Conditioning, Warm Air Heating and Boiler, May 28, 2009
Board of Appeals of Refrigeration, Air-Conditioning, Warm Air Heating and Boiler, June 11, 2009
District Advisory Board I, April 6, 2009

RECOMMENDED ACTION: Receive and file.

11. Notice of Intent to Use Debt Financing - Renovations to 1700 Airport Road, (Customs).

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

12. Notice of Intent to Use Debt Financing - Air Capital Terminal 3 - Landside Utilities, Phase I and Mid-Continent Drive Relocation.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

13. Notice of Intent to Use Debt Financing - Pavement Condition Inventory - Mid-Continent Airport.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

14. Notice of Intent to Use Debt Financing - Pavement Condition Inventory - Jabara Airport.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

15. Notice of Intent to Use Debt Financing - Renovations to Water Works (2100 Airport Road).

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

16. Notice of Intent to Use Debt Financing - Terminal East Data Center.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

17. Sale of Remnant of 3203 East Chatfield. (District II)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contracts and authorize all necessary signatures.

18. Surplus of 1916 South Sedgwick. (District IV)

RECOMMENDED ACTION: Declare the property surplus and approve the marketing strategy described.

19. June 2009 Monthly Contracts and Agreements Report to Council.

RECOMMENDED ACTION: Receive and file.

20. Nuisance Abatement Assessments. (Districts I, III, IV and VI)

RECOMMENDED ACTION: Approve the proposed assessments.

21. 2010/2011 Proposed Operating Budget.

RECOMMENDED ACTION: Receive the 2010 City manager's Proposed Operating Budget and set future public hearings on July 21, 2009 (Set maximum amount of taxes levied and receive public comment); August 4, 2009 (Receive public comment); and August 11, 2009 (Receive public comment and formally adopt the budget).

22. Second Reading Ordinances: (First Read July 7, 2009)

a. Second Reading Ordinances.

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

Workshop to follow

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous Structures - 2001 East 21st Street North (District I)

INITIATED BY: Office of Central Inspection

AGENDA: Unfinished Business

Recommendations: Take appropriate action based on testimony received during the review hearing.

Background: On December 2, 2008, the City Council conducted its initial public hearing to consider condemnation of the dangerous building on property at 2001 E. 21st St. North (the gasoline service station). The property was represented by Mr. Joseph Weber, attorney for Ciena Capital. Mr. Weber stated his client was attempting to obtain title to the property in order to sell it and/or to have the underground gasoline storage tanks and vacant service station buildings removed. Mr. Weber said his client was pursuing mortgage foreclosure, and had obtained bid estimates to remove the buildings and underground gasoline storage tanks. Mr. Weber requested a sixty to ninety day extension to finalize foreclosure and/or possible sale of the property. The City Council deferred action for ninety days.

At the March 3, 2009 Council meeting, the property was represented by Mr. Weber. Mr. Weber reported that Ciena Capital was still pursuing foreclosure, but had not yet taken title to the property. Mr. Weber informed the Council that Ciena Capital had obtained a Phase I environmental study of the site, and was working with an interested buyer of the property. Per Mr. Weber, Ciena Capital had agreed to keep the property clean and mowed, and to keep the building secure. As of March 3, 2009, the property was mowed, clean and secure. Per Mr. Weber's request, Council passed a motion to defer action for an additional sixty days.

On May 5, 2009, Mr. Weber appeared before City Council, representing Ciena Capital. As of May 5, 2009, Ciena Capital had not yet obtained title to the property, and was waiting to see if they could sell the property before finalizing foreclosure action. Mr. Weber reported there was still an interested buyer, although the potential buyer had encountered significant neighborhood opposition to its redevelopment plan for the site. Mr. Weber reported that KDHE has been actively monitoring the area around this site, and that at least one (1) KDHE official had indicated to him that the potential for significant ground contamination at this site was minimal. Mr. Weber reported he was trying to obtain additional information from KDHE to help alleviate fears of potential buyers about ground contamination at the site. Mr. Weber requested that the City Council defer action for at least another sixty days. After significant discussion among the Council and staff, Director of Law, Gary Rebenstorf, suggested that Council allow staff thirty days to contact KDHE, review property status and meet with Mr. Weber so staff could provide a more detailed report and recommendation. Council Member Williams moved to defer this case for thirty days to allow staff to further review this case and to meet with Mr. Weber. Council Member Williams asked to be involved in the staff meeting/s with Mr. Weber and/or KDHE. The motion carried.

On May 18, 2009, Council Member Williams, City Manager Layton and staff from the Law Department, Office of Central Inspection and Environmental Services Department met with Mr. Weber, attorney for Ciena Capital. The current status of the Ciena Capital foreclosure case, the Phase I environmental report, KDHE monitoring reports for the site, potential site tank removal/sealing programs/options, Ciena Capital's bid estimates for removal of the service station and underground tanks, marketing and sale of the property, and other related issues were discussed. Mr. Weber indicated that Ciena Capital would be finalizing a contract with a commercial property realtor sometime in June. Mr. Weber agreed to inform his client of the need to perform more frequent mowing and premise cleanup of the property, and of the

need to secure the site in order to prevent unauthorized access (for illegal dumping, vehicle abandonment, etc.). City Manager Layton informed Mr. Weber that it would be critical for the commercial realtor hired by Ciena Capital to attend the June 9, 2009 Council review hearing.

On June 9, 2009, Mr. Weber appeared before City Council, representing Ciena Capital. Mr. Weber stated that Mr. Brad Tiedemann, a commercial broker with Weigand Real Estate, had looked at the property and thought he could market it, although Weigand was looking for some protection from liability due to the results of the Phase I environmental study. In addition to regular marketing of the property, Mr. Tiedemann indicated that a property auction could be a possibility. Council Member Williams made a motion to defer action for another 30 days, which passed unanimously.

Analysis: Staff inspected the property on June 30, 2009; no repairs had been made, but the property was secure. The grass on the vacant lots behind the grocery store building just east of the service station (part of the Ciena Capital property interest) was tall, but not over a foot in height. Ciena Capital was planning to mow the property again shortly after July 1st. Debris and bulky waste that had been dumped on the gas station property had been removed by the Ciena Capital contractor.

The 2006, 2007 and 2008 taxes are delinquent in the amount of \$47,311.18, including specials and interest. There is a 2008 special assessment for weed mowing in the amount of \$1,144.75, including interest, and a 2009 special assessment for lot cleanup in the amount of \$2,064.61, including interest.

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Goal Impact: On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Legal Considerations: The owner and owner's representative have been informed of the date and time of the review hearing.

Recommendations/Actions: It is recommended that the City Council take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) the structure is kept secure; (2) the premise is routinely mowed and kept clean and free of debris; and (3) the service station premise is secured in manner to deter unauthorized access onto the gas station premise.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and instruct the City Clerk to have the resolution published once in the official city paper and advise the owners of these findings.

Attachments: None

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Public Hearing and Issuance of Industrial Revenue Bonds (Bombardier Learjet)
(Districts IV and V)

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendation: Close the public hearing and place the ordinance on first reading.

Background: On November 6, 2007, City Council approved a Letter of Intent for Industrial Revenue Bonds (“IRBs”) in an amount not-to-exceed \$79,188,000 for Bombardier Learjet (“Learjet”) to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. City Council also approved a 100% five-plus-five year property tax abatement on bond-financed property.

City Council has approved a number of annual IRB issues for Learjet; last year, Learjet began requesting biannual issues. On June 17, 2008, City Council approved issuance of \$1,400,000 to finance capital improvements made in the first half of 2008 and on December 9, 2008, City Council approved issuance of \$2,200,000 for capital improvements made in the second half of 2008. Learjet is requesting issuance of IRBs in the amount not-to-exceed \$5,700,000 to finance its capital investments for the first half of 2009.

Analysis: Learjet is a wholly owned subsidiary of Bombardier, Inc. (“Bombardier”), a Canadian corporation headquartered in Montreal, Quebec, Canada. Bombardier is engaged in the design, development, manufacturing and marketing of transportation equipment, aerospace and defense products. Learjet is a member of the Bombardier Aerospace Group. Learjet is engaged in the manufacture and sales of business jet aircraft including the Learjet 40, the Learjet 60, the Learjet 45, and the newest model, the Learjet 85. Learjet’s principal manufacturing facilities, corporate and marketing offices and the Bombardier Flight Test Center are located at One Learjet Way on Mid-Continent Airport. Proceeds from the bonds will be used to finance 2009 capital investments made by Learjet to expand and equip manufacturing and flight test facilities.

The law firm of Kutak Rock, LLP serves as bond counsel in the transaction. Learjet Inc. will purchase the bonds; bonds will not be offered to the public. Learjet has complied with the Standard Conditions contained in the City’s IRB Policy.

Financial Considerations: Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project. Bond-financed purchases are also exempt from state and local sales tax. Based on the 2008 mill levy, the estimated tax value of exempted real property for the first full year is approximately \$46,157. This is based on estimated real property improvements of approximately \$1,566,000. The value of a 100% real property tax exemption as applicable to taxing jurisdictions is:

City	\$	12,550	State	\$	587
County	\$	11,893	USD 259	\$	21,127

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects costs/benefit ratios as follows:

City	19.62 to one
County	33.05 to one
USD 259	1.00 to one
State	48.09 to one

Goal Impact: Economic Vitality and Affordable Living. Providing tax abatements to manufacturing businesses helps stabilize the economic base of the community and ensures a steady supply of quality jobs.

Legal Considerations: The City's bond counsel has prepared documents needed for the issuance of bonds. The City Attorney's Office will review and approve as to form the bond documents prior to the issuance of any bonds.

Recommendations/Actions: It is recommended that the City Council close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds for Learjet, Inc. in the amount not-to-exceed \$5,700,000, and authorize necessary signatures.

Attachments: Bond Ordinance

ORDINANCE NO. 48-368

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,700,000 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE INSTALLATION OF IMPROVEMENTS TO CERTAIN EXISTING AVIATION MANUFACTURING AND FLIGHT TESTING FACILITIES AS WELL AS TO FINANCE THE ACQUISITION OF CERTAIN MACHINERY AND EQUIPMENT FOR SUCH FACILITIES LOCATED IN THE CITY OF WICHITA, KANSAS; PRESCRIBING THE FORM AND AUTHORIZING EXECUTION OF A FIFTEENTH SUPPLEMENTAL TRUST INDENTURE BY AND BETWEEN THE CITY AND THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., ST. LOUIS, MISSOURI (THE "TRUSTEE"), AS TRUSTEE WITH RESPECT TO THE BONDS; PRESCRIBING THE FORM AND AUTHORIZING THE EXECUTION OF A FIFTEENTH SUPPLEMENTAL LEASE BY AND BETWEEN LEARJET INC. AND THE CITY; APPROVING THE FORM OF A GUARANTY AGREEMENT; AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND LEARJET INC., AS PURCHASER OF THE BONDS.

WHEREAS, the City of Wichita, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain improvements and additions (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any persons, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities and to refund such revenue bonds previously issued; and

WHEREAS, pursuant to the Act, the Issuer's Governing Body has heretofore: (1) expressed its intent to issue Taxable Industrial Revenue Bonds (Learjet Inc.), in the original aggregate principal amount not to exceed \$86,000,000, pursuant to a Letter of Intent dated September 10, 1996; and (2) expressed its intent to issue Taxable Industrial Revenue Bonds (Learjet Inc.), in the original aggregate principal amount not to exceed an additional \$79,188,000, pursuant to a Letter of Intent dated November 16, 2007 (collectively, the "Letter of Intent"); all for the purpose of paying the cost of constructing, installing and equipping an expansion and improvements to existing aviation manufacturing and flight testing facilities (the "Project"); and

WHEREAS, pursuant to various ordinances of the Issuer, the Issuer has heretofore authorized the issuance of fourteen series of such taxable industrial revenue bonds, in the original aggregate principal amount of \$93,221,708.22 (the "Outstanding Bonds"), for the purpose of constructing, equipping and installing portions of the Project; and

WHEREAS, in connection with the issuance of the Outstanding Bonds, the Issuer has heretofore authorized (i) the execution and delivery of a Trust Indenture dated as of

December 1, 1996, as supplemented and amended from time to time in accordance with the provisions thereof and together with the herein authorized Fifteenth Supplemental Indenture (the “Indenture”) with The Bank of New York Mellon Trust Company, N.A., St. Louis, Missouri (as successor to INTRUST Bank, N.A., Wichita, Kansas), as trustee (the “Trustee”), for the purpose of issuing and securing the Outstanding Bonds and any Additional Bonds (as defined therein), and (ii) the execution and delivery of a Lease Agreement dated as of December 1, 1996, as supplemented and amended from time to time in accordance with the provisions thereof and together with the herein authorized Fifteenth Supplemental Lease (the “Lease”), by and between the Issuer, as lessor, and Learjet Inc., a Delaware corporation duly qualified to do business in the State of Kansas (the “Tenant”), as lessee, under which the proceeds of the Outstanding Bonds were used to pay a portion of the costs of the Project; and

WHEREAS, the Issuer has heretofore and does hereby find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue a fifteenth series of its taxable industrial revenue bonds to be designated “City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series II, 2009 (Learjet Inc.)” in the original aggregate principal amount not to exceed \$5,700,000 (the “Series II, 2009 Bonds”), for the purpose of installing the improvements to certain existing aviation manufacturing and flight testing facilities, as well as to acquire certain machinery and equipment for the Project (the “Series II, 2009 Additions”); and

WHEREAS, the Series II, 2009 Bonds are more fully described in the Fifteenth Supplemental Indenture and the Fifteenth Supplemental Lease hereinafter authorized; and

WHEREAS, the Series II, 2009 Bonds and the interest thereon shall not constitute an indebtedness of the Issuer within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability of the Issuer, nor shall any Series II, 2009 Bond or the interest thereon be a charge against the general credit or taxing powers of the Issuer; and

WHEREAS, the Series II, 2009 Bonds are not general obligations of the Issuer and are payable solely from certain fees, rentals, revenues and other amounts derived by the Issuer pursuant to the Lease, as the same may be further amended and supplemented and, under certain circumstances, from the proceeds of the Series II, 2009 Bonds and insurance and condemnation awards; and

WHEREAS, the Series II, 2009 Bonds shall be equally and ratably secured and on a parity with the Outstanding Bonds and any Additional Bonds (collectively referred to hereinafter as the “Bonds”) subject to any partial redemption or release of pledged property permitted by the Lease or Indenture; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Series II, 2009 Bonds (i) to execute and deliver a Fifteenth Supplemental Trust Indenture dated as of July 1, 2009 (the “Fifteenth Supplemental Indenture”), for the purpose of issuing and securing the Series II, 2009 Bonds as provided therein; and (ii) to enter into a Fifteenth Supplemental Lease dated as of July 1, 2009 (the “Fifteenth Supplemental Lease”), pursuant to which the Issuer shall cause the Series II, 2009 Additions to be leased to the

Tenant in consideration of payments of Series II, 2009 Supplemental Basic Rent, Series II, 2009 Supplemental Additional Rent and other charges provided for therein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and Lease.

Section 2. Authority to Cause the Series II, 2009 Additions to be Constructed, Installed and Equipped. The governing body of the Issuer hereby declares that the Series II, 2009 Additions, if in being, would promote the welfare of the City of Wichita, Kansas, and the Issuer is hereby authorized to cause the Series II, 2009 Additions to be constructed, installed and equipped all in the manner and as more particularly described in the Fifteenth Supplemental Indenture and in the Fifteenth Supplemental Lease hereinafter authorized.

Section 3. Authorization of and Security for the Series II, 2009 Bonds. There is hereby authorized and directed to be issued a series of the Issuer's taxable industrial revenue bonds in an original aggregate principal amount not to exceed \$5,700,000 for the purpose of installing the improvements to certain existing aviation manufacturing and flight testing facilities and additions, as well as acquiring certain machinery and equipment to the existing facilities located in the City of Wichita, Kansas, such series of such taxable industrial revenue bonds to be designated "City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series II, 2009 (Learjet Inc.)." The Series II, 2009 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Series II, 2009 Bonds shall be equally and ratably secured and on a parity with the Outstanding Bonds and any Additional Bonds, subject to any partial redemption or release of pledged property permitted by the Lease or Indenture. The Series II, 2009 Bonds shall be special limited obligations of the Issuer payable solely from the revenues derived by the Issuer pursuant to the Lease, or otherwise in connection with the Project. The Series II, 2009 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the Issuer within the meaning of any constitutional or statutory provision and shall not be payable in any manner from tax revenues. The Series II, 2009 Bonds shall be secured under the provisions of the Indenture and are authorized hereby.

Section 4. Authorization of Fifteenth Supplemental Indenture. The Issuer is hereby authorized to enter into the Fifteenth Supplemental Indenture dated as of July 1, 2009, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., St. Louis, Missouri, as trustee (the "Trustee"), under which the Issuer shall pledge and assign to the Trustee, for the benefit of the holders of the Bonds, the Trust Estate referenced herein, all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of the Series II, 2009 Additions. The Issuer shall cause the Series II, 2009 Additions to be leased by the Issuer to the Tenant pursuant to and in accordance with the provisions of the Fifteenth Supplemental Lease dated as of July 1, 2009, by and between the Issuer and the Tenant.

Section 6. Authorization of Bond Purchase Agreement. The Series II, 2009 Bonds shall be sold and delivered to Learjet Inc., upon the terms and subject to the provisions of the Bond Purchase Agreement herein authorized dated as of July 1, 2009 (the “Bond Purchase Agreement”), by and between the Issuer and Learjet Inc., as purchaser.

Section 7. Approval of Guaranty Agreement. The form of Guaranty Agreement, dated as of July 1, 2009, pursuant to which the Tenant guarantees to the Trustee, for the benefit of the Owners of the Series II, 2009 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the Series II, 2009 Bonds, is hereby approved.

Section 8. Execution of Series II, 2009 Bonds and Agreements. The Mayor of the Issuer is hereby authorized and directed to execute the Series II, 2009 Bonds and deliver the same to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor or Vice Mayor is hereby further authorized and directed to execute and deliver the Fifteenth Supplemental Indenture, the Fifteenth Supplemental Lease and the Bond Purchase Agreement for and on behalf of and as the act and deed of the Issuer with such minor corrections or amendments thereto as the Mayor or Vice Mayor shall approve (which approval shall be evidenced by his or her execution thereof) and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk and any Deputy City Clerk of the Issuer are hereby authorized and directed to attest the execution of the Series II, 2009 Bonds, the Fifteenth Supplemental Indenture, the Fifteenth Supplemental Lease and the Bond Purchase Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 9. Pledge of the Project. The Issuer hereby pledges the Series II, 2009 Additions and the net revenues therefrom to the payment of the Outstanding Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the Series II, 2009 Bonds shall be deemed to have been paid within the meaning of the Indenture, as the same may be amended.

Section 10. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Series II, 2009 Bonds, the Fifteenth Supplemental Indenture, the Fifteenth Supplemental Lease and the Bond Purchase Agreement all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 11. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City of Wichita, Kansas and publication once in the official newspaper of the Issuer.

PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on July 21st, 2009.

CITY OF WICHITA, KANSAS,
as Issuer

By: _____
Carl Brewer
Mayor

ATTEST:

By: _____
Karen Sublett
City Clerk

Approved as to form:

By: _____
Gary E. Rebenstorf
City Attorney

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council

SUBJECT: Proposed Adoption of a New Ordinance Pertaining to Water Conditioning Contractors and Installers (City Code Title 21.14)

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendations: The Board of Appeals of Plumbers and Gas Fitters and the Office of Central Inspection recommend that the City Council approve first reading of an ordinance creating Title 21.14 of the Code of the City of Wichita, which pertains to water conditioning contractors and installers.

Background: The City's current Plumbing Code (Title 21) does not regulate water conditioning equipment contractors or installers. Given the increased installation and use of water conditioning equipment, in both residential and commercial applications, the Board of Appeals of Plumbers and Gas Fitters (Plumbing Board) and City staff believe regulation and oversight is necessary to ensure safe installation of water conditioning systems and/or equipment.

Over a six (6) to seven (7) month period, beginning in the latter part of 2008, the Plumbing Board, in conjunction with Office of Central Inspection and Law Department staff, developed a recommended ordinance pertaining to water conditioning equipment contractors and installers. During this process, water conditioning companies and installers were invited to participate, and several companies and installers provided input. The Plumbing Board's consideration of the proposed ordinance was also publicized in the Office of Central Inspection's CINCH (Construction Industry News from City Hall) newsletter.

At its April 2009 meeting, the Plumbing Board voted unanimously to recommend that the City Council adopt the attached water conditioning contractor and installer ordinance (Title 21.14).

Analysis: The recommended ordinance provisions are summarized below.

- § **Section 21.14.010:** This section provides definitions necessary for enforcement of the ordinance.
- § **Sections 21.14.020, 030 and 040:** These sections set forth specific testing and certification requirements to become a licensed water conditioning contractor or certified installer in Wichita. These sections also set forth requirements for annual license and bi-annual certificate renewal. Requirements are similar to existing requirements for other trade contractors and certificate holders (plumbing, sewer, mechanical and electrical). Section 21.14.020 (k) provides a two-year period after publication of the ordinance for persons who are currently engaged in the business of installing, servicing, repairing or replacing water conditioning equipment to obtain the required license and/or certificate.
- § **Section 21.14.050:** This section requires that water conditioning equipment installations comply with other related codes and ordinances (such as the Plumbing Code).
- § **Sections 21.14.060 and 070:** These sections set forth requirements for water conditioning contractor insurance and marking of contractor vehicles. Requirements are nearly identical to existing requirements for other Wichita licensed contractors and certificate holders.
- § **Sections 22.04.080:** This section sets forth requirements for permits and inspections of water conditioning equipment installations or replacements. This section requires licensed contractors to obtain a permit from

the Office of Central Inspection for all water conditioning equipment installations. However, City inspection will only be required when a new drain opening is being added; for installations that tie into an existing drain opening, the licensed water conditioning contractor will certify the installation, and no City inspection will be required.

Sections 22.04.090: This section sets forth the penalties for violations of the ordinance. Penalties are the same as existing penalties for other Wichita licensed contractors and certificate holders.

Financial Considerations: It is anticipated that the new ordinance will annually generate approximately 2,000 water conditioning permit applications to the Office of Central Inspection. The required \$25 permit fee will generate annual revenue of approximately \$50,000. It is expected that less than half of all permitted water conditioning installations will require City inspection (per the ordinance, City inspection is only required when a new drain opening is installed). The projected permit fee revenue should more than offset the cost of permit processing and required City inspections.

Goal Impact: On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed ordinance supports the “Provide a Safe and Secure Community” goal by ensuring that water conditioning contractors and installers obtain appropriate testing, training, certification and insurance; obtain proper permits and installation inspections; and provide adequate job site and installation supervision.

Legal Considerations: The recommended ordinance has been approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve first reading of the ordinance adopting Title 21.14 of the Code of the City of Wichita pertaining to water conditioning contractors and installers.

Attachment: Ordinance adopting Title 21.14.

04/16/09

ORDINANCE NO. 48-369

AN ORDINANCE CREATING SECTIONS 21.14.010, 21.14.020, 21.14.030, 21.14.040, 21.14.050, 21.14.060, 21.14.070, 21.14.080, AND 21.14.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO WATER CONDITIONING CONTRACTORS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 21.14.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Definitions. (a) 'Technician' means an individual who performs maintenance or repair of residential, commercial and industrial water conditioning equipment. A Technician is not a Certified Installer. Unless directly supervised by a Certified Installer, a Technician may not install or replace residential, commercial and industrial water conditioning equipment.

(b) 'Certified Installer' means an individual who holds a certificate, issued pursuant to this title, evidencing such person to be qualified to install, service, maintain, repair and replace residential, commercial and industrial water conditioning equipment.

(c) 'Master Water Conditioner Installer' means an individual who holds a master certificate, issued pursuant to this title, evidencing such person to be qualified to install, service, maintain and replace residential, commercial and industrial water conditioning equipment.

(d) 'Qualified, Master' means a person who holds a masters Water Conditioning Installer's Certificate and has the control and authority of all technical work performed under the authority of the Licensed Water Conditioning Contractor's enterprise and assures quality control and is responsible for complying with all applicable laws, codes and regulations.

(e) 'Licensed Water Conditioning Contractor' means any person, partnership, association, limited liability company or corporation which engages in the business of installing, servicing, maintaining or repairing residential, commercial and industrial water conditioning equipment. This term shall include the alteration, exchange or maintenance of residential, commercial and industrial water conditioning equipment.

(f) 'Water conditioning equipment' means any water conditioning device, such as filters, softeners, carbon filters, reverse osmosis systems, hydrochlorinators, aerators, chemical feeders, and other similar equipment used for the conditioning of water for residential, commercial and industrial purposes. Such term shall not include point of use filters which do not require a drain."

(g) 'Direct supervision' means that the Technician is working in the same structure and/or building as the Certified Installer.

SECTION 2. Section 21.14.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Certificate – Examination Required. (a) It is unlawful for any person to engage in the business of installing or replacing water conditioning equipment unless and until a certificate has been obtained, a license has been issued for such business and a permit has been issued for such work. Permits and inspections shall be obtained as required by this title. The permit fee shall be the minimum permit fee established by Section 21.04.050 of this code.

(b) It shall be unlawful for any Qualified Master, Certified Installer or Licensed Water Conditioner Contractor to allow or permit an uncertified individual to engage in the business of installing or replacing water conditioning equipment.

(c) Any person desiring to engage in or work at the business of installing or replacing water conditioning equipment shall make application to the Office of Central Inspection for a Water Conditioner Installer Certificate.

(d) No Water Conditioner Installer Certificate shall be issued to any individual:

(1) Who is not currently certified by the Water Quality Association as a Certified Installer; or

(2) Who has knowingly given any false statement in his or her application for a certificate;

(e) No Master Water Conditioner Installer Certificate shall be issued to any individual with less than two years experience in the installation, service, replacement or repair of water conditioning equipment and who is not certified by the Water Quality Association as a Certified Installer.

(f) No Water Conditioning Contractor's License shall be issued to any person, partnership, association, limited liability company or corporation who:

(1) Has been convicted of a felony or any crime involving moral turpitude or fraud, deception or misrepresentation; For purposes of this chapter moral turpitude means those charges involving prostitution, pimping, indecent exposure, illegal use, possession or sale of narcotics or non-narcotic drugs, sodomy, incest, gambling, illegal cohabitation, adultery, bigamy and crimes against nature.

(2) Has not complied with the provisions of subsection 21.14.060 regarding insurance requirements;

(3) Has been refused a certificate or license in another jurisdiction;

(4) Any partnership, limited liability company or corporation, unless all partners, members or majority shareholders of such partnership, limited liability company or corporation are qualified to obtain a license.

(g) Any license issued pursuant to this section shall expire on the thirty-first day of December of the year in which it was issued.

(h) Any person holding a current Master Water Conditioning Installer Certificate shall be entitled to only one contractor's license unless authorized by the Board of Appeals of Plumbers and Gas Fitters, and each such business shall obtain a license; provided, however, that such person shall be entitled to obtain additional licenses and act as the qualified person for up to two businesses that are wholly owned corporate subsidiaries of the business in which he or she is an active member or corporate officer.

(i) No license shall be transferred from one person to another person, partnership, limited liability company or corporation.

(j) A Water Conditioning Contractor's license may be issued to any person, partnership, limited liability company or corporation which has at least one active member or officer who has been qualified as and has a Master Water Conditioning Certificate.

(k) Persons currently engaging in the business of installing, servicing, repairing or replacing water conditioning equipment shall have two years from the date of publication of this ordinance to obtain certification from the Water Quality Association as a Certified Installer.

(l) Individuals holding a journeyman or master's plumbing certificate are not required to obtain a Water Conditioning Certificate in order to install, service, repair, alter, replace or exchange water conditioning equipment.

(m) It is unlawful for any person to install or replace or cause to be

installed or replaced any water conditioning equipment in a building or premises without first obtaining a permit to do such work from the Superintendent of Central Inspection. Master Certified Installers are the only persons entitled to obtain such permits.

(n) It is unlawful for any Water Conditioning Licensed Contractor to allow or permit any person to do or cause to be done any work under a permit secured by the contractor unless such person is employed by such contractor.

SECTION 3. Section 21.14.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Certificate – Classification. The certificate issued to an individual wishing to install or replace water conditioning equipment shall be known as a class ‘W-C installer’ certificate and shall authorize such individual, to engage in such activities.”

SECTION 4. Section 21.14.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Certificates--Fees--Expiration--Duration. (a) The fee for each certificate of class ‘W-C installer’ shall be established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All such certificates shall be renewed bi-annually upon payment of a fee established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All certificates shall expire on the thirty-first day of December of each odd numbered year and no reduction shall be made for part of the year being elapsed. Certificates which have not been renewed by March 1st after their expiration may be subject to recertification by the Water Quality Association and/or appearance before the Board of Appeals of Plumbers and Gas Fitters prior to reissuance of a certificate.

(b) All applicants for renewal of a W-C certificate must provide written proof of current Certified Installer certification from the Water Quality Association.

SECTION 5. Section 21.14.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Application of related provisions of this Code and additional codes adopted by reference. All water conditioning equipment installations shall comply with existing laws and ordinances as contained in the following parts of this Code and any other that may apply:

Mechanical Code--Chapter 22

Plumbing Code--Chapter 21

Electrical Code--Chapter 19

Building Code--Chapter 18

The Qualified Master of the Licensed Water Conditioning Contractor is responsible for compliance with all applicable codes.

SECTION 6. Section 21.14.060 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Insurance. Every Water Conditioning Contractor licensed under this title shall procure and maintain a policy of general liability insurance covering the activities of the water conditioning contractor while engaged in contracting hereunder. Such insurance policy shall be written with an insurance company licensed to do business in the state and shall have minimum limits of coverage of three hundred thousand dollars (\$300,000) per occurrence. In addition, every such Water Conditioning Contractor shall procure and maintain worker’s compensation insurance as required by law and automobile liability insurance as required by law. Every contractor licensed under this title shall, prior to the issuance of a license, file with the Office of Central Inspection certificates of insurance evidencing the insurance coverage specified herein. All such certificates shall indicate that the city shall be given at least thirty days advance written notice of any cancellation or material change in coverage of such insurance. Failure of a

Water Conditioning Contractor to either procure or maintain such insurance shall be a violation of law punishable as a general misdemeanor and shall be grounds for suspension or revocation of the Water Conditioning Contractor's License and certificate."

SECTION 7. Section 21.14.070 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

Contractors--Marking of vehicles. Any person, partnership, limited liability company or corporation required by this title to obtain a Water Conditioning Contractor's License shall be subject to the following:

(a) Vehicles used in performance of installations regulated under this title shall display the contractor's permanent vehicle permit numbers. Such numbers shall be assigned by the Superintendent of Central Inspection to a contractor duly licensed under the provisions of this title.

(b) Permanent vehicle permit numbers must be affixed to both sides of vehicle(s), in a conspicuous place, either by paint of a contrasting color or by the use of a permanent decal.

(c) Permanent vehicle permit numbers must be a minimum of two inches high with a one-half inch wide stroke per character.

(d) A contractor's employee(s) using their personal vehicles as transportation to or from the job site are exempted from the provisions of this section. A contractor's employee using a personal vehicle in any job related capacity must display the permanent vehicle permit marking.

(e) The contractor shall be responsible for removing the permanent vehicle permit number at the time any vehicle is taken out of service.

(f) Violation of any provision of this section may result in a hearing before the board of appeals of plumbers and gas fitters. The board may order any or all of the following:

1. No water conditioning permits shall be issued to the contractor until such time as the violation is abated.

2. All inspections of further work performed by the contractor will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection.

3. A license review, subjecting the contractor to possible suspension, recall or cancellation of the master certificate and/or license, in accordance with the provisions of Section 21.04.040 of the Code of the City of Wichita, Kansas.

Exception: If the contractor chooses to advertise his or her business on their vehicles and abides with Section 21.04.043 of the Code of the City of Wichita, Truth in advertising requirements, then the above Section 21.04.045 of the Code of the City of Wichita, Marking of vehicles, does not apply.

SECTION 8. Section 21.14.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Installations. (a) Drain piping from water conditioning equipment shall be run to an approved receptor.

(b) Any new drain openings or openings in an existing waste and vent system, which are required for the installation or replacement of water conditioning equipment, must be inspected by the Superintendent of Central Inspection or his or her designee.

(c) Installations which are completed by a drill and tap with an approved saddle clamp on the tail piece shall not require an inspection. Such installations will require that a permit be issued for such installation.

(d) Certified Installers and Water Conditioning Contractors shall not be authorized to engage in the business of plumbing.

SECTION 9. Section 21.14.090 shall be created to read as follows:

“Violation--Penalty. Any person who violates any of the provisions of this title is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than six months or both such fine and imprisonment.”

SECTION 10. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 21st day of July, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Transportation Services Agreement with Sedgwick County

INITIATED BY: Urban Development Office

AGENDA: New Business

Recommendation: Approve the contract.

Background: Since 2002, first the City of Wichita and later Sedgwick County have entered into annual revenue guarantee agreements with AirTran Airways that have resulted in more than \$400 million in cost savings to businesses and individuals flying in and out of Wichita Mid-Continent Airport.

In 2006, the Kansas Legislature passed legislation that provides state funding in the amount of \$5 million per year for five years to support efforts to ensure affordable airfares in Kansas. The annual grants are made through the Regional Area Economic Partnership (REAP) for programs that provide more flight options, more competition for air travel, and affordable air fares for Kansas. The state funding is subject to annual appropriation and requires a local match.

The first three years of state funding were awarded to Sedgwick County to defray most of the cost of the AirTran revenue guarantee. The fourth year of state funding, for the current state fiscal year, also has been awarded to Sedgwick County in the amount of \$4,875,000. As in past years, the local match would be provided under the terms of the attached Transportation Services Agreement between the City and Sedgwick County.

Analysis: On July 8, 2009, the Sedgwick County Board of County Commissioners approved a new contract with AirTran Airways for discount air service to Atlanta with a revenue guarantee capped at \$6.5 million for the period from July 1, 2009 through June 30, 2010. The revenue guarantee is based on the difference between the stated costs of operating Boeing 717 jet service between Wichita and Atlanta, plus 5%. The County's commitment is to pay AirTran the difference between these cost calculations and AirTran's customer revenue for these flights. Whenever AirTran collects revenue in amounts greater than costs, the excess revenue is used to defray County revenue guarantees in subsequent reporting periods.

The proposed agreement between Wichita and Sedgwick County is virtually the same as a similar agreement entered into one year ago. Under the proposed agreement, the City will provide up to \$812,500 in support of the County's contract with AirTran.

Financial Considerations: A local match of \$1,625,000 is required to secure the state funding. The proposed contract between the City and County will provide up to \$812,500 of City funding to partially offset the County's match obligation. Funding for the 2009-2010 transportation service agreement with Sedgwick County will come from funds appropriated for that purpose to the Economic Development Fund. The total cost of providing revenue guaranty payments under the AirTran contract is \$6.5 million. Funding sources include the State of Kansas for \$5 million and the City and Sedgwick County for \$812,500 each.

Goal Impact: Economic Vitality and Affordable Living. Affordable air service is one of the most critical cost factors impacting the decision of businesses to move to Wichita or to remain in Wichita. It also has a strong impact on the ability to attract and retain workers, and to provide a high quality of life to families in the region.

Legal Considerations: The attached funding agreement between the City and County has been approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the City Council approve the contract and authorize the necessary signatures, and authorize any necessary budget adjustments.

Attachments: Transportation Service Agreement

TRANSPORTATION SERVICES AGREEMENT

THIS AGREEMENT is made and entered into on this ____ day of _____, 2009, by and between the CITY OF WICHITA, KANSAS, hereinafter referred to as "City," and SEDGWICK COUNTY, KANSAS, hereinafter referred to as "County."

WHEREAS, County has requested that AirTran Airways, Inc. ("AirTran") operate daily round-trip jet service subject to the terms and conditions hereinafter set forth; and

WHEREAS, AirTran has entered an agreement with County to operate jet service upon the terms and conditions hereinafter set forth (attached hereto and made a part hereof as Appendix A); and

WHEREAS, County has submitted a request to City for joint funding of said jet service; and

WHEREAS, City finds that maintaining competitive airfares for this community will benefit both residents and businesses of Wichita and provide an economic benefit to all citizens; and

WHEREAS, the purpose of this agreement is to state the terms and conditions under which City will provide said funding.

NOW, THEREFORE, in consideration of the mutual conditions, covenants and promises contained herein, the parties hereto agree as follows:

1. SERVICE(S). County will fulfill its obligations as set forth in Appendix A (the "AirTran Funding Agreement"), and in doing so will fully enforce AirTran's contractual obligations to County at no cost to the City. County will in turn provide City copies of or access to all documents and information received by County relating to AirTran pursuant to the AirTran Funding Agreement.

2. STATUS OF COUNTY. County and City agree that service(s) rendered under this agreement are rendered by County as a self-governing entity, and not as an officer, agency, agent or employee of City. City supplies funding to County under this agreement as a secondary source of funding to support the service(s) described in Paragraph One (1) above, because of the benefit of the service(s) to residents of Wichita.

3. TERM. The term of this agreement shall commence July 1, 2009 and shall terminate on June 30, 2010.

4. TERMINATION. This contract may be terminated in whole or in part by either party, for any reason, upon thirty days written notice to the other party, stating the reasons for the termination and the effective date of the termination. Whether this contract is canceled by City or County, County shall be paid for work satisfactorily completed, so long as the provisions applicable to Billing and Payment have been met by County.

5. COMPENSATION. In consideration for the service(s) described in Paragraph 1 above,

provided by County for residents of Wichita, City shall cause payment to be made to County in the amount of up to \$812,500.00. County agrees that billing and payment under this agreement shall be processed in accordance with established budgeting, purchasing, and accounting procedures of Wichita, Kansas. Payment shall be made to County only for service(s) described in Paragraph 1 of this agreement. Payment shall be mailed to County's address as follows:

Chief Financial Officer
Sedgwick County
525 N. Main, Ste. 823
Wichita, KS 67203
Telephone 316.660.7591
Fax 316.383.7729

The City's payment obligation hereunder is expressly contingent upon the County's full performance of its payment obligations under the AirTran Funding Agreement. The City's payment obligation shall in no event exceed the sum of \$812,500.00, and to the extent that a lesser aggregate sum is due under the AirTran Funding Agreement due to decreased required subsidy, then the City shall be deemed to have fully performed its obligations hereunder.

6. FUNDING PURPOSE. County shall apply all compensation received from City toward no purpose other than to fulfill County's obligation to AirTran as set forth in Appendix A "Transportation Services Agreement".

7. CASH BASIS AND BUDGET LAWS. The right of the City to enter into this Agreement is subject to the provisions of the Cash Basis Law (K.S.A. 10-1112 and 10-1113), the Budget Law (K.S.A. 79-2935), and other laws of the State of Kansas. This Agreement shall be construed and interpreted so as to ensure that the City shall at all times stay in conformity with such laws, and as a condition of this Agreement the City reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement may be deemed to violate the terms of such laws, or if mill levy funds generated are less than anticipated.

8. MONTHLY REPORTS. County shall furnish to City, on a monthly basis copies of the reconciled block hour reports it receives from AirTran.

9. INTEREST OF PUBLIC OFFICIALS AND OTHERS. No officer or employee of City, no member of its governing body, and no other public official who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this agreement shall participate in any decision relating to this agreement which affects such person's personal interest or the interest of any corporation, partnership, or association in which such person is directly or indirectly interested, nor shall any officer or employee of City, any member of its governing body or any other public official have any interest, direct or indirect, in this agreement or the proceeds thereof.

10. TRANSFER OR MODIFICATION. Neither this agreement nor any rights or obligations hereunder shall be assigned, subcontracted, or otherwise transferred by either party without the prior written consent of the other. Any modifications to this agreement must be set forth in writing and signed by both parties.

11. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Kansas.

12. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION. County shall comply with all applicable local, state and federal laws, and regulations, and applicable service standards, in carrying out this agreement, regardless of whether those legal requirements are specifically referenced in this agreement. Equal Opportunity and Affirmative Action: In carrying out this contract, County shall deny none of the benefits or services of the program to any eligible participant pursuant to K.S.A. 44-1001 *et seq.*

A. County shall observe the provisions of the Kansas act against discrimination and shall not discriminate against any person in the performance of work under this contract because of race, religion, color, sex, disability, national origin, or ancestry.

B. In all solicitations or advertisements for employees, County shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Kansas Human Rights Commission.

C. If County fails to comply with the provisions of K.S.A. 44-1031, requiring reports to be submitted to the Kansas Human Rights Commission when requested by that Commission, County shall be deemed to have breached this contract and it may be canceled, terminated or suspended, in whole or in part, by City.

D. If County is found guilty of a violation of the Kansas act against discrimination under a decision or order of the Kansas Human Rights Commission which has become final, County shall be deemed to have breached this contract and it may be canceled, terminated or suspended, in whole or in part by City.

E. County shall include the provisions of paragraphs A through D inclusively of this section in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

F. The provisions of this section shall not apply to a contract entered into by a contractor who: 1) employs fewer than four employees during the term of this contract; or 2) whose contracts with the City cumulatively total \$5,000.00 or less during the fiscal year of the City pursuant to K.S.A. 44-1031(c).

13. AUTHORITY. Each person executing this Agreement represents and warrants that he is duly authorized to do so on behalf of an entity that is a party hereto.

14. INCORPORATION OF APPENDICES. APPENDIX A - "Transportation Services Agreement" is attached hereto and made a part hereof as if fully set out herein.

IN WITNESS WHEREOF, City and County have executed this contract as of the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY ARNOLD, County Clerk

KELLY PARKS, Chairman
Fourth District

APPROVED AS TO FORM:

JENNIFER MAGANA
Assistant County Counselor

CITY OF WICHITA, KANSAS

CARL BREWER, Mayor

KAREN SUBLETT, City Clerk

GARY REBENSTORF, City Attorney

APPENDIX A - TRANSPORTATION SERVICES AGREEMENT

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Cultural Funding Recommendations after Reallocation

INITIATED BY: Division of Arts & Cultural Services

AGENDA: New Business

Recommendation: Approve the Fiscal Year (FY) 2010 funding reallocations recommended for arts and cultural organizations by the Cultural Funding Committee.

Background: In 2005, the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed seven members. The Arts Council appointed four members. The committee consists of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to the City Manager and members of City Council on allocation of additional funding through operational grants for arts and cultural organizations.

On May 19, 2009, recommendations from the Cultural Funding Committee were submitted for City Council approval. Among the funding allocations was a recommendation of \$267,074 which was to be allocated to Cowtown Museum in addition to their “flat funding” of \$241,851. This recommendation was made by staff to the Cultural Funding Committee. The City Council reviewed the recommendation and recommended that \$267,074 be returned to the Cultural Funding committee to be reallocated as the committee determined appropriate.

At the time the Cultural Funding committee met in April for deliberations, funding was reduced by 5% to address the budget shortfall for FY2010. It was determined in May that the reduction to address the FY2010 budget shortfall would be only 4%. This left a total of \$299,155 to be reallocated among the arts and cultural organizations who had applied for grant funding.

The Cultural Funding committee reconvened on Saturday, June 13, 2009 to reconsider and reallocate \$299,155. One of the items the committee was asked to consider was the allocation of funds for Federal and State matching grants which would be explored by Councilwoman Sue Schlapp. The committee discussed the request and recommended \$100,000 to be set aside for matching grants until November 2009. At that time, the \$100,000 plus any additional grant funds raised would be equally divided among the five Group One organizations and addendums to Cultural Funding contracts would be created. The Group One organizations include Wichita Art Museum, Botanica, Mid-America All-Indian Center, the Wichita-Sedgwick County Historical Museum, and Cowtown Museum. The remaining \$199,155 was reallocated among the organizations who applied for FY2010 funding.

Analysis:

After deliberations for the reallocation of funding for FY2010 the final recommended funding amounts for the organizations are as follows:

Group 1: Organizations in which the City owns the facility and/or employs staff and/or owns the collection. Group One organizations include Wichita Art Museum, Botanica, Mid-America All-Indian Center, Wichita-Sedgwick County Historical Museum and Cowtown Museum.

Organization Name	FY2010 Amount Requested	Final Score FY2010	FY2010 Amount Recommended	FY2010 Amount AFTER Reallocation
Group 1 with Operating Agreement				
Historical Museum (Flat 2009)	\$93,000.00			\$136,000.00
*Matching Grant 1/5 of \$100,000				\$20,000.00
Total	\$93,000.00	**OP	\$136,000.00	\$156,000.00
Mid-America All-Indian Center (Flat 2009)	\$57,900.00			\$157,000.00
*Matching Grant 1/5 of \$100,000				\$20,000.00
Total	\$57,900.00	**OP	\$157,900.00	\$177,900.00
Botanica, The Wichita Gardens (Flat 2009)	\$232,500.00			\$288,700.00
Supplemental	\$120,300.00	76		\$64,100.00
*Matching Grant 1/5 of \$100,000				\$20,000.00
Total	\$352,800.00	**OP	\$288,700.00	\$372,800.00
The Wichita Art Museum, Inc. (Flat 2009)	\$1,279,960.00			
Supplemental	\$380,000.00	74		\$1,534,643.00
*Matching Grant 1/5 of \$100,000				\$20,000.00
Total	\$1,659,960.00	**OP	\$1,534,643.00	\$1,554,643.00
Cowtown (Flat 2009)	\$241,850.00	**NA		\$241,851.00
Supplemental	\$300,000.00	**NA		\$0.00
*Matching Grant 1/5 of \$100,000				\$20,000.00
Total	\$541,850.00	**NA	\$508,925.00	\$261,851.00
Total for Group 1 with Operating Agreement	\$2,705,510.00		\$2,626,168.00	\$2,523,194.00

* Matching Grant \$100,000

**OP = Operating agreement amount

**NA = No application for 2010

Group Two and Three: Organizations in which the City owns the facility but does not employ staff, does not own the collection, and/or in which the City allows the organization special consideration for office and performance space.

Organization Name	FY2010 Amount Requested	Final Score FY2010	FY2010 Amount Recommended	FY2010 Amount AFTER Reallocation
Group 2 and 3				
Sedgwick County Zoological Society	\$100,000.00	94	\$20,000.00	\$45,000.00
Music Theatre of Wichita	\$100,000.00	92	\$85,000.00	\$85,000.00
Wichita Symphony	\$125,000.00	91	\$80,000.00	\$95,000.00
Exploration Place	\$92,105.00	79	\$0.00	\$0.00
Wichita Grand Opera	\$90,000.00	78	\$20,000.00	\$20,000.00
Kansas Aviation Museum	\$100,000.00	72	\$20,000.00	\$30,000.00
Museum of World Treasures	\$160,000.00	72	\$15,000.00	\$15,000.00
The Kansas African American Museum	\$125,000.00	56	\$25,000.00	\$25,000.00
Kansas Sports Hall of Fame	\$120,000.00	55	\$0.00	\$0.00
Arts Council	\$6,540.00	NA	\$6,540.00	\$6,540.00
Total for Group 2 and 3	\$1,018,645.00		\$271,540.00	\$321,540.00

Group Four - All Other Organizations

Group Four organizations consist of all other 501(C3) arts and cultural organizations applying for Cultural Funding operational grants. Group Four organizations apply through a competitive grant process.

Organization Name	FY2010 Amount Requested	Final Score FY2010	FY2010 Amount Recommended	FY2010 Amount AFTER Reallocation
Group 4				
Arts Partners	\$40,000.00	93	\$35,000.00	\$40,000.00
Wichita Public Library Foundation	\$67,500.00	88	\$22,650.00	\$41,054.00
Orpheum Performing Arts Center, Ltd	\$85,000.00	88	\$20,000.00	\$40,000.00
Wichita Children's Theatre	\$50,000.00	87	\$30,000.00	\$30,000.00
Chamber Music at the Barn	\$29,000.00	86	\$5,000.00	\$10,000.00
Tallgrass Film Festival	\$20,000.00	85	\$10,000.00	\$15,000.00
Friends University Fine Arts	\$35,000.00	85	\$5,000.00	\$5,000.00
WSU Foundation (Ulrich Museum)	\$40,000.00	83	\$10,000.00	\$20,000.00
Heart of America Men's Chorus Inc.	\$10,000.00	78	\$0.00	\$5,000.00
The Griot's Storytelling Institute	\$12,000.00	76	\$6,000.00	\$8,500.00
Newman University Fine Arts	\$5,000.00	76	\$0.00	\$0.00
Opera Kansas	\$9,000.00	75	\$2,000.00	\$5,000.00
Wichita Chamber Chorale Inc.	\$5,000.00	75	\$0.00	\$2,000.00
Music Theatre for Young People	\$12,000.00	73	\$1,500.00	\$3,000.00
American Guild of Organists	\$500.00	66	\$350.00	\$500.00
Wichita Chorus Sweet Adelines	\$3,500.00	65	\$0.00	\$0.00
Ballet Wichita	\$16,500.00	64	\$2,500.00	\$10,000.00

Air Capital Chorus	\$2,900.00	58	\$0.00	\$0.00
Emerald City Chorus	\$3,500.00	56	\$0.00	\$0.00
Wichita Black Arts Festival Association	\$20,000.00	30	\$0.00	\$0.00
Wichita Asian Association	\$0.00	**NA2010	\$0.00	\$0.00
Wichita Film and Music Festival	\$0.00	**NA2010	\$0.00	\$0.00
Total for Group 4	\$466,400.00		\$150,000.00	\$235,054.00

Financial Consideration: The projected equivalent of one mill levy for FY2010 amounted to \$3,208,113.00 which was reduced by 4%. This left a total of \$299,155 which needed to be reallocated.

Goal Impact: To enhance the quality of life for citizens of Wichita by protecting the City's investment in arts and cultural organizations.

Legal Consideration: The Law Department will approve the Operational Agreements and Cultural Funding Contracts as to form.

Recommendations/Action: Approve the FY2010 funding allocations recommended for arts and cultural organizations by the Cultural Funding Committee.

Attachment: None

City of Wichita
City Council Meeting
July 14, 2009

To: Mayor and City Council

Subject: Name Southwest Corner of Mt. Vernon and Bluff, Meadowlark Park. (District III)

Initiated By: Park and Recreation Department

Agenda: New Business

Recommendation: Name the park located at the intersection of Mt. Vernon and Bluff.

Background:

The Meadowlark Association of Neighbors, Inc. petitioned the Board of Park Commissioners to name the Southwest Corner of Mt. Vernon and Bluff, Meadowlark Park. The Association, established in 1995, consists of over 700 homeowners. There are no other parks in Wichita named Meadowlark Park.

The Southwest Corner of Mt. Vernon and Bluff currently consists of a walking path, benches, and open space with proper drainage into Dry Creek. The area is used extensively by neighbors. The Meadowlark Association of Neighbors has been maintaining the area by mowing and trash/debris clean-up.

On June 8, 2009, the Board of Park Commissioners unanimously approved naming the Southwest Corner of Mt. Vernon and Bluff, Meadowlark Park.

Analysis: City Council Policy 13 delineates the requirements for naming public facilities "...in accordance with their intended use..." The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners for parks and open space.

Financial Consideration: Park and Recreation will install signage to designate the area as a park.

Goal Impact: Park designation will enhance and strengthen the neighborhood revitalization efforts. Future suggestions for park improvement include installation of a small playground for area children.

Legal Consideration: The Board of Park Commissioners action as naming advisory committee for park and recreation areas is consistent with the provisions of City Council Policy 13.

Recommendation/Actions: It is recommended that the City Council approve naming the Southwest Corner of Mt. Vernon and Bluff, Meadowlark Park.

Attachment: None.

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council

SUBJECT: Ordinances Amending City Code Sections 2.05.010 and 2.05.020,
Establishing Master Written Undertaking for GO Bond & Note Sales

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the Mayor's Requests for Declaration of Emergency and pass the attached Ordinances to amend City Code Sections 2.05.010 and 2.05.020, on first reading.

Background: In 1994, the federal Securities and Exchange Commission ("SEC") approved amendments to its Rule 15c2-12 (the "Rule"), which controls how underwriters may market municipal securities. The 1994 amendments essentially prohibited underwriters from bidding upon or agreeing to market municipal bonds unless the Issuer or another "Obligated Person" (within the meaning of the Rule) furnished a written undertaking to provide certain ongoing public disclosures for the use of the trading markets while the bonds are outstanding. In addition, brokers and dealers were prohibited from making recommendations concerning any municipal security unless they had procedures in place to make sure that they timely receive any Material Event Notices issued under the Rule. In response to the 1994 amendments, the City Council enacted City Code Sections 2.05.010 and 2.05.020, to create the required written undertakings for bonds and notes, respectively. Effective July 1, 2009, additional amendments to the Rule essentially require transition of disclosure to the Electronic Municipal Market Access ("EMMA") filing system established by the Municipal Securities Rulemaking Board ("MSRB"). To make the transition fit with outstanding disclosure undertakings and agreements covering prior, unmatured bond and note issues, the amendments define the MSRB as the sole Nationally Recognized Municipal Securities Information Repository ("NRMSIR") now addressed by those existing undertakings. For new bond and note issues on or after July 1, 2009, additional detailed and EMMA-specific provisions will be required in disclosure undertakings.

Analysis: The practical effect of the 2009 amendments is such that the City will not be able to market general obligation bonds or notes through underwriters after July 1, 2009, unless the City has in place the types of disclosure undertakings required by the amended Rule. Because the disclosure undertakings must also be described in the Preliminary Official Statement by which bonds or notes are marketed, the City is in a posture of needing to take prompt action now, to put the required disclosure undertakings in effect for its pending Summer GO Bond and Note Sale.

Financial Considerations: It is not anticipated that the City will incur any costs in establishing its password protected account for submission of EMMA filings. The EMMA system is supported by certain fees paid by realtime access subscribers. Because the revised disclosure undertakings will need to be in place before the general obligation bond and note issue contemplated for this summer, it would be best to finalize and approve the Ordinances on or before July 14, 2009.

Goal Impact: This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale

Legal Considerations: The attached Ordinances generally retain the existing disclosure undertaking terms for bonds and notes issued before July 1, 2009, and add the new EMMA-specific disclosure terms for bonds and notes issued from and after July 1, 2009. The Ordinances have been prepared by Bond Counsel, and approved as to form by the City Attorney's Office.

Recommendations/Actions: Approve the Mayor's Requests for Declaration of Emergency and pass the attached Ordinances to amend City Code Sections 2.05.010 and 2.05.020, on first reading.

Attachments: Requests for Declaration of Emergency (2)
Ordinance Amending City Code Section 2.05.010
Ordinance Amending City Code Section 2.05.020

REQUEST FOR DECLARATION OF EMERGENCY

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARL BREWER, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, *to-wit*, July 14, 2009, of an ordinance entitled:

AN ORDINANCE AMENDING SECTION 2.05.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO A MASTER UNDERTAKING TO PROVIDE ONGOING DISCLOSURE IN CONNECTION WITH GENERAL OBLIGATION BONDS ISSUED BY THE CITY OF WICHITA, KANSAS, FOR DISTRIBUTION IN PUBLIC OFFERINGS.

The general nature of such emergency is to enable the City to expeditiously establish the revised form of undertaking required by amended Exchange Act Rule 15c2-12, to facilitate timely and accurate description of the revised undertaking in the Preliminary Official Statement for the City's summer general obligation bond and note sale.

It is, therefore, expedient at this time that the City Council find and declare that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on July 14, 2009.

Carl Brewer, Mayor

Karen Sublett, City Clerk

REQUEST FOR DECLARATION OF EMERGENCY

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARL BREWER, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, *to-wit*, July 14, 2009, of an ordinance entitled:

AN ORDINANCE AMENDING SECTION 2.05.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO A MASTER UNDERTAKING TO PROVIDE ONGOING DISCLOSURE IN CONNECTION WITH GENERAL OBLIGATION TEMPORARY NOTES ISSUED BY THE CITY OF WICHITA, KANSAS, FOR DISTRIBUTION IN PUBLIC OFFERINGS.

The general nature of such emergency is to enable the City to expeditiously establish the revised form of undertaking required by amended Exchange Act Rule 15c2-12, to facilitate timely and accurate description of the revised undertaking in the Preliminary Official Statement for the City's summer general obligation bond and note sale.

It is, therefore, expedient at this time that the City Council find and declare that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on July 14, 2009.

Carl Brewer, Mayor

Karen Sublett, City Clerk

FIRST PUBLISHED IN THE DAILY REPORTER ON JULY 14, 2009

ORDINANCE NO. 48-366

AN ORDINANCE AMENDING SECTION 2.05.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO A MASTER UNDERTAKING TO PROVIDE ONGOING DISCLOSURE IN CONNECTION WITH GENERAL OBLIGATION BONDS ISSUED BY THE CITY OF WICHITA, KANSAS, FOR DISTRIBUTION IN PUBLIC OFFERINGS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 2.05.010 of the Code of the City of Wichita shall read as follows:

2.05.010 Undertaking to Provide Ongoing Disclosure in Connection with City of Wichita General Obligation Bonds Issued for Distribution Through Public Offering.

(a) This Section 2.05.010 establishes and constitutes a written undertaking which shall function as a master undertaking for the benefit of the holders as well as the beneficial owners of all general obligation bonds issued by the City of Wichita purchased for public distribution by one or more underwriters, on or after July 3, 1995 (the "Bonds"), as required to establish legal preconditions for sale of the Bonds through an underwriter or underwriters, under Section (b)(5)(i) of Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended.

(b) This Subsection (b) of Section 2.05.010 shall apply to all Bonds issued on or between July 3, 1995, and June 30, 2009.

(1) The City of Wichita, as issuer of the Bonds (the "Issuer") undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.010(b):

(i) Annual Financial Information;

(ii) Audited Financial Statements; and,

(iii) Material Event Notices.

(2) So long as the Rule continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Bonds issued subject to such requirements which remain Outstanding:

(i) The Issuer shall provide the Annual Financial Information on or before December 31 of each year (the "Report Date"), beginning in December 1996, to each then existing NRMSIR and the SID, if any. The Issuer may adjust the Report Date if the Issuer changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to each then existing NRMSIR and the SID, if any; provided that the new Report Date shall be not more than 365 days after the end of the new fiscal year and provided further that the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the Issuer provides to each then existing NRMSIR and the SID, if any, the

Annual Financial Information by specific reference to documents previously provided to each NRMSIR and the SID, if any, or filed with the Securities and Exchange Commission and, if such a document is a final official statement within the meaning of the Rule, available from the Municipal Securities Rulemaking Board ("MSRB"). The Issuer shall also provide to each NRMSIR and the SID, if any, copies of each final official statement (within the meaning of the Rule) which is produced on or after July 3, 1995, in connection with the offering of any of the Bonds, within 60 days after such official statement is finalized for distribution by the underwriter.

(ii) The Issuer shall provide the Audited Financial Statements as part of the Annual Financial Information described in the preceding paragraph of this subsection.

(iii) If a Material Event occurs, the Issuer shall provide a Material Event Notice in a timely manner to the MSRB and the SID, if any. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Bonds to which the Material Event(s) covered by the Material Event Notice pertain(s).

(iv) The Issuer shall provide, in a timely manner, to the MSRB and to the SID, if any, notice of any failure by the Issuer to provide Annual Financial Information on or before the Report Date to each then existing NRMSIR and the SID (if any) as required by the terms of this Section 2.05.010(b).

(3) The following are the definitions of the capitalized terms used in this Section 2.05.010(b) and not otherwise defined elsewhere in this Section 2.05.010(b):

(i) "Annual Financial Information" means the Issuer's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the Issuer, provided at least annually, of the type included in official statements relating to the Bonds (including some unaudited data).

(ii) "Audited Financial Statements" means the Issuer's general purpose financial statements for the previous fiscal year, prepared in accordance with generally accepted accounting principles ("GAAP") for governmental units as prescribed by the Governmental Accounting Standards Board ("GASB") (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

(iii) "Material Event" means any of the following events, if material-, with respect to any of the Outstanding Bonds:

(A) Principal and interest payment delinquencies;

(B) Non-payment related defaults;

(C) Unscheduled draws on debt service reserves reflecting financial difficulties;

- (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) Substitution of credit or liquidity providers or their failure to perform;
- (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (G) Modifications to rights of security holders;
- (H) Bond calls;
- (I) Defeasances;
- (J) Release, substitution, or sale of property securing repayment of the securities;
- (K) Rating changes.

(iv) "Material Event Notice" means written or electronic notice of a Material Event.

(v) "NRMSIR" means a nationally recognized municipal securities information repository, as recognized from time to time by the SEC for the purposes referred to in the Rule.

(vi) "Outstanding" when used with reference to any of the Bonds shall mean, as of a particular date, all Bonds theretofore authenticated and delivered under one or more Ordinances of the City of Wichita, except: (i) theretofore canceled by the Fiscal Agent (as defined in the Ordinance(s) authorizing the issuance of such Bonds) or delivered to such Fiscal Agent for cancellation; (ii) Bonds for which payment or redemption monies or Government Securities (as defined in the Ordinance(s) authorizing the issuance of such Bonds), or both, in the necessary amounts have been deposited with the Fiscal Agent or other such depository as provided in the Ordinance(s) authorizing the issuance of such Bonds, in trust for the Owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Bonds); or (iii) Bonds in exchange for or in lieu of which Refunding Bonds have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate Ordinance(s).

(vii) "Redemption Date(s)" shall mean, when used with respect to any Bond(s), the date(s) established as such in the Ordinance(s) authorizing the issuance of such Bond(s).

(viii) "SID" means a state information depository as operated or designated as such by the State of Kansas for the purposes referred to in the Rule.

(4) Unless otherwise required by law and subject to technical and economic feasibility, and to annual appropriations, the Issuer will exercise its best efforts to employ such methods of information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

(5) This Section 2.05.010(b) or any provision hereof, shall be subject to nullification and repeal in the event that the Issuer first delivers to each then existing NRMSIR and the SID, if any, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Section 2.05.010(b) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Bond. This Section 2.05.010(b) may be amended without the consent of the holders or beneficial owners of any Bond(s), following the delivery by the Issuer to each then existing NRMSIR and the SID, if any, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.010(b) or the adequacy of the Issuer's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

(i) The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer, or type of business conducted;

(ii) The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

(iii) The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the Issuer (such as the trustee or bond counsel) or by approving vote of holders of the Bonds pursuant to the terms of the governing instrument(s) at the time of the amendment;

(iv) If the amendment changes the type of operating data or financial information provided pursuant to the Issuer's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

(v) If the amendment alters portions of the Issuer's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the NRMSIRs or the MSRB, and the appropriate SID, if any.

(6) Any failure by the Issuer to perform in accordance with this Section 2.05.010(b) shall not constitute an "Event of Default" or "Default" within the meaning of any Ordinance(s) authorizing the issuance of any of the Bonds, and the rights and remedies provided to holders or beneficial owners of the Bonds under such Ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

(7) If any of the foregoing provisions or terms of this Section 2.05.010(b), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 2.05.010(b) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Section 2.05.010(b) are declared to be severable:

(8) None of the provisions of this Section 2.05.010(b) are in any way intended to impose upon, or result in an assumption by, the City of Wichita or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Section 2.05.010(b) shall not, in any way, create liability or a basis for liability on the part of the City of Wichita, Kansas or any officer or employee thereof for any damages that result from failure of the Issuer to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Section 2.05.010(b) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Bond to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(c) This Subsection (c) of Section 2.05.010 shall apply to all Bonds issued after the publication of this ordinance.

(1) The following are the definitions of the capitalized terms used in this Section 2.05.010(c) and not otherwise defined elsewhere in this Section 2.05.010(c):

(i) "Annual Financial Information" means the City's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the City, provided at least annually, of the type included in official statements relating to the Bonds (including some unaudited data).

(ii) "Audited Financial Statements" means the City's general purpose financial statements for the previous fiscal year, prepared in accordance with GAAP for governmental units as prescribed by the GASB (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

(iii) "City" means the city of Wichita, Kansas.

(iv) "EMMA" means the Electronic Municipal Market Access facility for municipal securities disclosure of the MSRB, or any other market access method approved under the Rule.

(v) "GAAP" means generally accepted accounting principles.

(vi) "GASB" means the Governmental Accounting Standards Board or its successors or assigns.

(vii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Bonds:

- (A) Principal and interest payment delinquencies;
- (B) Non-payment related defaults;
- (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) Substitution of credit or liquidity providers or their failure to perform;
- (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (G) Modifications to rights of security holders;
- (H) Bond calls (other than mandatory sinking fund redemptions);
- (I) Defeasances;
- (J) Release, substitution, or sale of property securing repayment of the securities;
- (K) Rating changes.

(viii) "Material Event Notice" means notice in Prescribed Form in accordance with EMMA of a Material Event.

(ix) "MSRB" means the Municipal Securities Rulemaking Board and any successors or assigns, or any other entities or agencies approved under the Rule.

(x) "Outstanding" when used with reference to any of the Bonds shall mean, as of a particular date, all Bonds theretofore authenticated and delivered under one or more ordinances of the City, except: (i) Bonds theretofore canceled by the fiscal agent or paying agent (as defined in the ordinance(s) authorizing the issuance of such Bonds) or delivered to such fiscal agent or paying agent for cancellation; (ii) Bonds for which payment or redemption monies or government securities (as defined in the ordinance(s) authorizing the issuance of such Bonds), or both, in the necessary amounts have been deposited with the fiscal agent or paying agent or other such depository as provided in the ordinance(s) authorizing the issuance of such Bonds, in trust for the owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Bonds); or (iii) Bonds in exchange for or in lieu of which refunding bonds have been authenticated and

delivered pursuant to the terms of (and within the meaning of) the appropriate ordinance(s).

(xi) "Prescribed Form" means such electronic format accompanied by such identifying information as shall have been prescribed by the MSRB and which shall be in effect on the date of filing of the applicable information.

(xii) "Redemption Date(s)" shall mean, when used with respect to any Bond(s), the date(s) established as such in the ordinance(s) authorizing the issuance of such Bond(s).

(xiii) "Report Date" means December 31st of each year, beginning December 31, 2009.

(2) The City, as an "obligated person" within the meaning of the Rule, undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.010(c):

- (i) Annual Financial Information;
- (ii) Audited Financial Statements; and,
- (iii) Material Event Notices.

(3) So long as the Rule continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Bonds issued subject to such requirements which remain Outstanding:

(i) The City shall provide the Annual Financial Information in Prescribed Form in accordance with EMMA to the MSRB, on or before the Report Date. The City may adjust the Report Date if the City changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to the MSRB; provided that the new Report Date shall be six months after the end of the new fiscal year and provided further that the period between the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the City provides to the MSRB the Annual Financial Information by specific reference to documents available to the public on the MSRB's Internet Web site, or filed with the SEC.

(ii) If not provided as part of the Annual Financial Information, the City shall provide the Audited Financial Statements when and if available to the MSRB in Prescribed Form in accordance with EMMA.

(iii) If a Material Event occurs, the City shall file a Material Event Notice in a timely manner in Prescribed Form in accordance with EMMA with the MSRB. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Bonds to which the Material Event(s) covered by the Material Event Notice pertain(s).

(iv) The City shall provide in Prescribed Form in accordance with EMMA in a timely manner to the MSRB notice of any failure by the City to provide Annual

Financial Information on or before the Report Date to the MSRB as required by the terms of this Section 2.05.010(c).

(4) The information listed in Subsection (c)(2) shall be provided by the City to the MSRB, at www.emma.msrb.org, in the Prescribed Form or by such other method of transmitting information that is approved by the SEC.

(5) This Section 2.05.010(c) or any provision hereof, shall be subject to nullification and repeal in the event that the City first delivers to the MSRB, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Section 2.05.010(c) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Bonds. This Section 2.05.010(c) may be amended without the consent of the holders or beneficial owners of any Bond(s), following the delivery by the City to the MSRB, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.010(c) or the adequacy of the City's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

(i) The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted;

(ii) The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

(iii) The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the City (such as the trustee or bond counsel) or by approving vote of holders of the Bonds pursuant to the terms of the governing instrument(s) at the time of the amendment;

(iv) If the amendment changes the type of operating data or financial information provided pursuant to the City's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

(v) If the amendment alters portions of the City's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the MSRB.

(6) Any failure by the City to perform in accordance with this Section 2.05.010(c) shall not constitute an "Event of Default" or "Default" within the meaning of any ordinance(s)

authorizing the issuance of any of the Bonds, and the rights and remedies provided to holders or beneficial owners of the Bonds under such ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

(7) If any of the foregoing provisions or terms of this Section 2.05.010(c), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 2.05.010(c) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Section 2.05.010(c) are declared to be severable.

(8) None of the provisions of this Section 2.05.010(c) are in any way intended to impose upon, or result in an assumption by, the City or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Section 2.05.010(c) shall not, in any way, create liability or a basis for liability on the part of the City or any officer or employee thereof for any damages that result from failure of the City to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Section 2.05.010(c) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Bond to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(9) This Section 2.05.010(c) shall inure solely to the benefit of the holders of the Bonds as required by Section (b)(5)(i) of the Rule, and shall create no rights in any other person or entity.

(10) The City shall maintain records of all disclosure made pursuant to this Section 2.05.010(c), including the content of such disclosure, the names of the entities with whom such disclosure was filed and the date of filing such disclosure.

SECTION 2. Ordinance 42-996, passed on February 27, 1996, is hereby repealed in its entirety and replaced by this ordinance.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city newspaper.

PASSED by the Governing Body of the City of Wichita, Kansas this 14th day of July, 2009.

CITY OF WICHITA, KANSAS

Carl Brewer, Mayor

Attest:

Karen Sublett, City Clerk

(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

FIRST PUBLISHED IN THE DAILY REPORTER ON JULY 14th, 2009

ORDINANCE NO. 48-367

AN ORDINANCE AMENDING SECTION 2.05.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO A MASTER UNDERTAKING TO PROVIDE ONGOING DISCLOSURE IN CONNECTION WITH GENERAL OBLIGATION TEMPORARY NOTES ISSUED BY THE CITY OF WICHITA, KANSAS, FOR DISTRIBUTION IN PUBLIC OFFERINGS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 2.05.020 of the Code of the City of Wichita shall read as follows:

2.05.020 Undertaking to Provide Ongoing Disclosure in Connection with City of Wichita General Temporary Notes Issued for Distribution Through Public Offering.

(a) This Section 2.05.020 establishes and constitutes a written undertaking which shall function as a master undertaking for the benefit of the holders as well as the beneficial owners of all general obligation temporary notes issued by the City of Wichita purchased for public distribution by one or more underwriters, on or after July 3, 1995 (the "Notes"), as might be required to establish legal preconditions for sale of some of the Notes through an underwriter or underwriters, under Section (b)(5)(i) of Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended.

(b) This Subsection (b) of Section 2.05.020 shall apply to all Notes issued on or between July 3, 1995, and June 30, 2009.

(1) The City of Wichita, as issuer of the Notes (the "Issuer") undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.020(b):

- (i) Annual Financial Information;
- (ii) Audited Financial Statements; and,
- (iii) Material Event Notices.

(2) So long as the Rule (or the policy of the Issuer with respect to sale of the Notes) continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Notes issued subject to such requirements which remain Outstanding:

(i) The Issuer shall provide the Annual Financial Information on or before December 31 of each year (the "Report Date"), beginning in December 1996, to each then existing NRMSIR and the SID, if any. The Issuer may adjust the Report Date if the Issuer changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to each then existing NRMSIR and the SID, if any; provided that the new Report Date shall be not more than 365 days after the end of the new fiscal year and provided further that the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the Issuer provides to each then existing

NRMSIR and the SID, if any, the Annual Financial Information by specific reference to documents previously provided to each NRMSIR and the SID, if any, or filed with the Securities and Exchange Commission and, if such a document is a final official statement within the meaning of the Rule, available from the Municipal Securities Rulemaking Board ("MSRB"). The Issuer shall also provide to each NRMSIR and the SID, if any, copies of each final official statement (within the meaning of the Rule) which is produced on or after July 3, 1995, in connection with the offering of any of the Notes, within 60 days after such official statement is finalized for distribution by the underwriter.

(ii) The Issuer shall provide the Audited Financial Statements as part of the Annual Financial Information described in the preceding paragraph of this subsection.

(iii) If a Material Event occurs, the Issuer shall provide a Material Event Notice in a timely manner to the MSRB and the SID, if any. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Notes to which the Material Event(s) covered by the Material Event Notice pertain(s).

(iv) The Issuer shall provide, in a timely manner, to the MSRB and to the SID, if any, notice of any failure by the Issuer to provide Annual Financial Information on or before the Report Date to each then existing NRMSIR and the SID (if any) as required by the terms of this Section 2.05.010(b).

(3) The following are the definitions of the capitalized terms used in this Section 2.05.020(b) and not otherwise defined elsewhere in this Section 2.05.020(b):

(i) "Annual Financial Information" means the Issuer's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the Issuer, provided at least annually, of the type included in official statements relating to the Notes (including some unaudited data).

(ii) "Audited Financial Statements" means the Issuer's general purpose financial statements for the previous fiscal year, prepared in accordance with generally accepted accounting principles ("GAAP") for governmental units as prescribed by the Governmental Accounting Standards Board ("GASB") (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

(iii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Notes:

(A) Principal and interest payment delinquencies;

(B) Non-payment related defaults;

(C) Unscheduled draws on debt service reserves reflecting financial difficulties;

- (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) Substitution of credit or liquidity providers or their failure to perform;
- (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (G) Modifications to rights of security holders;
- (H) Note calls;
- (I) Defeasances;
- (J) Release, substitution, or sale of property securing repayment of the securities;
- (K) Rating changes.

(iv) "Material Event Notice" means written or electronic notice of a Material Event.

(v) "NRMSIR" means a nationally recognized municipal securities information repository, as recognized from time to time by the SEC for the purposes referred to in the Rule.

(vi) "Outstanding" when used with reference to any of the Notes shall mean, as of a particular date, all Notes theretofore authenticated and delivered under one or more Ordinances of the City of Wichita, except: (i) Notes theretofore canceled by the Fiscal Agent (as defined in the Ordinance(s) authorizing the issuance of such Notes) or delivered to such Fiscal Agent for cancellation; (ii) Notes for which payment or redemption monies or Government Securities (as defined in the Ordinance(s) authorizing the issuance of such Notes), or both, in the necessary amounts have been deposited with the Fiscal Agent or other such depository as provided in the Ordinance(s) authorizing the issuance of such Notes, in trust for the Owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Notes); or (iii) Notes in exchange for or in lieu of which Refunding Notes have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate Ordinance(s).

(vii) "Redemption Date(s)" shall mean, when used with respect to any Note(s), the date(s) established as such in the Ordinance(s) authorizing the issuance of such Note(s).

(viii) "SID" means a state information depository as operated or designated as such by the State of Kansas for the purposes referred to in the Rule.

(4) Unless otherwise required by law and subject to technical and economic feasibility, and to annual appropriations, the Issuer will exercise its best efforts to employ such methods of

information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

(5) This Section 2.05.020(b) or any provision hereof, shall be subject to nullification and repeal in the event that the Issuer first delivers to each then existing NRMSIR and the SID, if any, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule (and those portions of any policy of the Issuer) that require this Section 2.05.020(b) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Notes. This Section 2.05.020(b) may be amended without the consent of the holders or beneficial owners of any Note(s), following the delivery by the Issuer to each then existing NRMSIR and the SID, if any, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.020(b) or the adequacy of the Issuer's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

(i) The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer, or type of business conducted;

(ii) The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

(iii) The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the Issuer (such as the trustee or bond counsel) or by approving vote of holders of the Notes pursuant to the terms of the governing instrument(s) at the time of the amendment;

(iv) If the amendment changes the type of operating data or financial information provided pursuant to the Issuer's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

(v) If the amendment alters portions of the Issuer's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the NRMSIRs or the MSRB, and the appropriate SID, if any.

(6) Any failure by the Issuer to perform in accordance with this Section 2.05.020(b) shall not constitute an "Event of Default" or "Default" within the meaning of any Ordinance(s) authorizing the issuance of any of the Notes, and the rights and remedies provided to holders or

beneficial owners of the Notes under such Ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

(7) If any of the foregoing provisions or terms of this Section 2.05.020(b), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 2.05.020(b) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Section 2.05.020(b) are declared to be severable.

(8) None of the provisions of this Section 2.05.020(b) are in any way intended to impose upon, or result in an assumption by, the City of Wichita or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Section 2.05.020(b) shall not, in any way, create liability or a basis for liability on the part of the City of Wichita, Kansas or any officer or employee thereof for any damages that result from failure of the Issuer to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Section 2.05.020(b) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Note to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(c) This Subsection (c) of Section 2.05.020 shall apply to all Notes issued after the publication of this ordinance.

(1) The following are the definitions of the capitalized terms used in this Section 2.05.020(c) and not otherwise defined elsewhere in this Section 2.05.020(c):

(i) "Annual Financial Information" means the City's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the City, provided at least annually, of the type included in official statements relating to the Notes (including some unaudited data).

(ii) "Audited Financial Statements" means the City's general purpose financial statements for the previous fiscal year, prepared in accordance with GAAP for governmental units as prescribed by the GASB (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

(iii) "City" means the city of Wichita, Kansas.

(iv) "EMMA" means the Electronic Municipal Market Access facility for municipal securities disclosure of the MSRB, or any other market access method approved under the Rule.

(v) "GAAP" means generally accepted accounting principles.

(vi) "GASB" means the Governmental Accounting Standards Board or its successors or assigns.

(vii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Notes:

- (A) Principal and interest payment delinquencies;
- (B) Non-payment related defaults;
- (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) Substitution of credit or liquidity providers or their failure to perform;
- (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (G) Modifications to rights of security holders;
- (H) Note calls (other than mandatory sinking fund redemptions);
- (I) Defeasances;
- (J) Release, substitution, or sale of property securing repayment of the securities;
- (K) Rating changes.

(viii) "Material Event Notice" means notice in Prescribed Form in accordance with EMMA of a Material Event.

(ix) "MSRB" means the Municipal Securities Rulemaking Board and any successors or assigns, or any other entities or agencies approved under the Rule.

(x) "Outstanding" when used with reference to any of the Notes shall mean, as of a particular date, all Notes theretofore authenticated and delivered under one or more ordinances of the City, except: (i) theretofore canceled by the fiscal agent or paying agent (as defined in the ordinance(s) authorizing the issuance of such Notes) or delivered to such fiscal agent or paying agent for cancellation; (ii) Notes for which payment or redemption monies or government securities (as defined in the ordinance(s) authorizing the issuance of such Notes), or both, in the necessary amounts have been deposited with the fiscal agent or paying agent or other such depository as provided in the ordinance(s) authorizing the issuance of such Notes, in trust for the owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Notes); or (iii) Notes in exchange for

or in lieu of which refunding notes have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate ordinance(s).

(xi) "Prescribed Form" means such electronic format accompanied by such identifying information as shall have been prescribed by the MSRB and which shall be in effect on the date of filing of the applicable information.

(xii) "Redemption Date(s)" shall mean, when used with respect to any Note(s), the date(s) established as such in the ordinance(s) authorizing the issuance of such Note(s).

(xiii) "Report Date" means December 31st of each year, beginning December 31, 2009.

(2) The City of Wichita, as an "obligated person" within the meaning of the Rule, undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.020(c):

- (i) Annual Financial Information;
- (ii) Audited Financial Statements; and,
- (iii) Material Event Notices.

(3) So long as the Rule (or the policy of the Issuer with respect to sale of the Notes) continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Notes issued subject to such requirements which remain Outstanding:

(i) The City shall provide the Annual Financial Information in Prescribed Form in accordance with EMMA to the MSRB, on or before the Report Date. The City may adjust the Report Date if the City changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to the MSRB; provided that the new Report Date shall be six months after the end of the new fiscal year and provided further that the period between the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the City provides to the MSRB the Annual Financial Information by specific reference to documents available to the public on the MSRB's Internet Web site, or filed with the SEC.

(ii) If not provided as part of the Annual Financial Information, the City shall provide the Audited Financial Statements when and if available to the MSRB in Prescribed Form in accordance with EMMA.

(iii) If a Material Event occurs, the City shall file a Material Event Notice in a timely manner in Prescribed Form in accordance with EMMA with the MSRB. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Notes to which the Material Event(s) covered by the Material Event Notice pertain(s).

(iv) The City shall provide in Prescribed Form in accordance with EMMA in a timely manner to the MSRB notice of any failure by the City to provide Annual Financial Information on or before the Report Date to the MSRB as required by the terms of this Section 2.05.010(c).

(4) The information listed in Subsection (c)(2) shall be provided by the City to the MSRB, at www.emma.msrb.org, in the Prescribed Form or by such other method of transmitting information that is approved by the SEC.

(5) This Section 2.05.020(c) or any provision hereof, shall be subject to nullification and repeal in the event that the City first delivers to the MSRB, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Section 2.05.020(c) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Notes. This Section 2.05.020(c) may be amended without the consent of the holders or beneficial owners of any Note(s), following the delivery by the City to the MSRB, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.020(c) or the adequacy of the City's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

(i) The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted;

(ii) The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

(iii) The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the City (such as the trustee or bond counsel) or by approving vote of holders of the Notes pursuant to the terms of the governing instrument(s) at the time of the amendment;

(iv) If the amendment changes the type of operating data or financial information provided pursuant to the City's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

(v) If the amendment alters portions of the City's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the MSRB.

(6) Any failure by the City to perform in accordance with this Section 2.05.020(c) shall not constitute an "Event of Default" or "Default" within the meaning of any ordinance(s) authorizing the issuance of any of the Notes, and the rights and remedies provided to holders or beneficial owners of the Notes under such ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

(7) If any of the foregoing provisions or terms of this Section 2.05.020(c), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 2.05.020(c) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Section 2.05.020(c) are declared to be severable.

(8) None of the provisions of this Section 2.05.020(c) are in any way intended to impose upon, or result in an assumption by, the City or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Section 2.05.020(c) shall not, in any way, create liability or a basis for liability on the part of the City or any officer or employee thereof for any damages that result from failure of the City to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Section 2.05.020(c) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Note to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(9) This Section 2.05.020(c) shall inure solely to the benefit of the holders of the Notes as required by Section (b)(5)(i) of the Rule, and shall create no rights in any other person or entity.

(10) The City shall maintain records of all disclosure made pursuant to this Section 2.05.020(c), including the content of such disclosure, the names of the entities with whom such disclosure was filed and the date of filing such disclosure.

SECTION 2. Ordinance 42-997, passed on February 27, 1996, is hereby repealed in its entirety and replaced by this ordinance.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city newspaper.

PASSED by the Governing Body of the City of Wichita, Kansas this 14th day of July, 2009.

CITY OF WICHITA, KANSAS

Carl Brewer, Mayor

Attest:

Karen Sublett, City Clerk

(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

FIRST PUBLISHED IN THE DAILY REPORTER ON JULY __, 2009

ORDINANCE NO. __-____

AN ORDINANCE AMENDING SECTION 2.05.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO A MASTER UNDERTAKING TO PROVIDE ONGOING DISCLOSURE IN CONNECTION WITH GENERAL OBLIGATION BONDS ISSUED BY THE CITY OF WICHITA, KANSAS, FOR DISTRIBUTION IN PUBLIC OFFERINGS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 2.05.010 of the Code of the City of Wichita shall read as follows:

2.05.010 Undertaking to Provide Ongoing Disclosure in Connection with City of Wichita General Obligation Bonds Issued for Distribution Through Public Offering.

(a) This Section 2.05.010 establishes and constitutes a written undertaking which shall function as a master undertaking for the benefit of the holders as well as the beneficial owners of all general obligation bonds issued by the City of Wichita purchased for public distribution by one or more underwriters, on or after July 3, 1995 (the "Bonds"), as required to establish legal preconditions for sale of the Bonds through an underwriter or underwriters, under Section (b)(5)(i) of Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended. ~~Capitalized terms used in this Section 2.05.010 and not otherwise defined in this Ordinance shall have the meanings assigned to such terms in subsection (d) hereof.~~

(b) This Subsection (b) of Section 2.05.010 shall apply to all Bonds issued on or between July 3, 1995, and June 30, 2009.

~~(1)~~ (1) The City of Wichita, as issuer of the Bonds (the "Issuer") undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.010 (b):

~~(1)~~ (i) Annual Financial Information;

~~(2)~~ (ii) Audited Financial Statements; and,

~~(3)~~ (iii) Material Event Notices.

~~(e2)~~ (2) So long as the Rule continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Bonds issued subject to such requirements which remain Outstanding:

~~(1)~~ (i) The Issuer shall provide the Annual Financial Information on or before December 31 of each year (the "Report Date"), beginning in December 1996, to each then existing NRMSIR and the SID, if any. The Issuer may adjust the Report Date if the Issuer changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to each then existing NRMSIR and the SID, if any; provided that the new Report Date shall be not more than 365 days after the end of the new fiscal year and provided further that the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall

be sufficient if the Issuer provides to each then existing NRMSIR and the SID, if any, the Annual Financial Information by specific reference to documents previously provided to each NRMSIR and the SID, if any, or filed with the Securities and Exchange Commission and, if such a document is a final official statement within the meaning of the Rule, available from the Municipal Securities Rulemaking Board ("MSRB"). The Issuer shall also provide to each NRMSIR and the SID, if any, copies of each final official statement (within the meaning of the Rule) which is produced on or after July 3, 1995, in connection with the offering of any of the Bonds, within 60 days after such official statement is finalized for distribution by the underwriter.

~~(2)~~ (ii) The Issuer shall provide the Audited Financial Statements as part of the Annual Financial Information described in the preceding paragraph of this subsection.

~~(3)~~ (iii) If a Material Event occurs, the Issuer shall provide a Material Event Notice in a timely manner to the MSRB and the SID, if any. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Bonds to which the Material Event(s) covered by the Material Event Notice pertain(s).

~~(4)~~ (iv) The Issuer shall provide, in a timely manner, to the MSRB and to the SID, if any, notice of any failure by the Issuer to provide Annual Financial Information on or before the Report Date to each then existing NRMSIR and the SID (if any) as required by the terms of this ~~Code~~ Section 2.05.010(b).

~~(43)~~ The following are the definitions of the capitalized terms used in this ~~Code~~ Section 2.05.010(b) and not otherwise defined elsewhere in this ~~Code~~ Section 2.05.010(b):

~~(1)~~ (i) "Annual Financial Information" means the Issuer's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the Issuer, provided at least annually, of the type included in official statements relating to the Bonds (including some unaudited data).

~~(2)~~ (ii) "Audited Financial Statements" means the Issuer's general purpose financial statements for the previous fiscal year, prepared in accordance with generally accepted accounting principles ("GAAP") for governmental units as prescribed by the Governmental Accounting Standards Board ("GASB") (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

~~(3)~~ (iii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Bonds:

~~(1)~~ (A) Principal and interest payment delinquencies;

~~(2)~~ (B) Non-payment related defaults;

~~(iii)~~ (C) Unscheduled draws on debt service reserves reflecting financial difficulties;

~~(iv)~~ (D) Unscheduled draws on credit enhancements reflecting financial difficulties;

~~(v)~~ (E) Substitution of credit or liquidity providers or their failure to perform;

~~(vi)~~ (F) Adverse tax opinions or events affecting the tax-exempt status of the security;

~~(vii)~~ (G) Modifications to rights of security holders;

~~(viii)~~ (H) Bond calls;

~~(ix)~~ (I) Defeasances;

~~(x)~~ (J) Release, substitution, or sale of property securing repayment of the securities;

~~(xi)~~ (K) Rating changes.

~~(4)~~ (iv) "Material Event Notice" means written or electronic notice of a Material Event.

~~(5)~~ (v) "NRMSIR" means a nationally recognized municipal securities information repository, as recognized from time to time by the SEC for the purposes referred to in the Rule.

~~(6)~~ (vi) "Outstanding" when used with reference to any of the Bonds shall mean, as of a particular date, all Bonds theretofore authenticated and delivered under one or more Ordinances of the City of Wichita, except: (i) theretofore canceled by the Fiscal Agent (as defined in the Ordinance(s) authorizing the issuance of such Bonds) or delivered to such Fiscal Agent for cancellation; (ii) Bonds for which payment or redemption monies or Government Securities (as defined in the Ordinance(s) authorizing the issuance of such Bonds), or both, in the necessary amounts have been deposited with the Fiscal Agent or other such depository as provided in the Ordinance(s) authorizing the issuance of such Bonds, in trust for the Owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Bonds); or (iii) Bonds in exchange for or in lieu of which Refunding Bonds have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate Ordinance(s).

~~(7)~~ (vii) "Redemption Date(s)" shall mean, when used with respect to any Bond(s), the date(s) established as such in the Ordinance(s) authorizing the issuance of such Bond(s).

~~(8)~~ (viii) "SID" means a state information depository as operated or designated as such by the State of Kansas for the purposes referred to in the Rule.

~~(e)-(4)~~ Unless otherwise required by law and subject to technical and economic feasibility, and to annual appropriations, the Issuer will exercise its best efforts to employ such methods of information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

~~(f)-(5)~~ This Section 2.05.010(b) or any provision hereof, shall be subject to nullification and repeal in the event that the Issuer first delivers to each then existing NRMSIR and the SID, if any, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Section 2.05.010(b) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Bond. This Section 2.05.010(b) may be amended without the consent of the holders or beneficial owners of any Bond(s), following the delivery by the Issuer to each then existing NRMSIR and the SID, if any, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.010(b) or the adequacy of the Issuer's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

~~(f)-(i)~~ The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer, or type of business conducted;

~~(f)-(ii)~~ The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

~~(f)-(iii)~~ The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the Issuer (such as the trustee or bond counsel) or by approving vote of holders of the Bonds pursuant to the terms of the governing instrument(s) at the time of the amendment;

~~(f)-(iv)~~ If the amendment changes the type of operating data or financial information provided pursuant to the Issuer's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

~~(f)-(v)~~ If the amendment alters portions of the Issuer's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the NRMSIRs or the MSRB, and the appropriate SID, if any.

~~(g)-(6)~~ Any failure by the Issuer to perform in accordance with this Section 2.05.010(b) shall not constitute an "Event of Default" or "Default" within the meaning of any

Ordinance(s) authorizing the issuance of any of the Bonds, and the rights and remedies provided to holders or beneficial owners of the Bonds under such Ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

~~(h)-(7)~~ If any of the foregoing provisions or terms of this ~~Code-section~~ Section 2.05.010(b), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this ~~Code~~-Section 2.05.010(b) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this ~~Code~~-Section 2.05.010(b) are declared to be severable:

~~(i)-(8)~~ None of the provisions of this ~~Code~~-Section 2.05.010(b) are in any way intended to impose upon, or result in an assumption by, the City of Wichita or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this ~~Code~~-Section 2.05.010(b) shall not, in any way, create liability or a basis for liability on the part of the City of Wichita, Kansas or any officer or employee thereof for any damages that result from failure of the Issuer to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this ~~Code~~-Section 2.05.010(b) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Bond to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(c) This Subsection (c) of Section 2.05.010 shall apply to all Bonds issued after the publication of this ordinance.

(1) The following are the definitions of the capitalized terms used in this Section 2.05.010(c) and not otherwise defined elsewhere in this Section 2.05.010(c):

(i) "Annual Financial Information" means the City's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the City, provided at least annually, of the type included in official statements relating to the Bonds (including some unaudited data).

(ii) "Audited Financial Statements" means the City's general purpose financial statements for the previous fiscal year, prepared in accordance with GAAP for governmental units as prescribed by the GASB (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

(iii) "City" means the city of Wichita, Kansas.

(iv) "EMMA" means the Electronic Municipal Market Access facility for municipal securities disclosure of the MSRB, or any other market access method approved under the Rule.

(v) "GAAP" means generally accepted accounting principles.

(vi) "GASB" means the Governmental Accounting Standards Board or its successors or assigns.

(vii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Bonds:

(A) Principal and interest payment delinquencies;

(B) Non-payment related defaults;

(C) Unscheduled draws on debt service reserves reflecting financial difficulties;

(D) Unscheduled draws on credit enhancements reflecting financial difficulties;

(E) Substitution of credit or liquidity providers or their failure to perform;

(F) Adverse tax opinions or events affecting the tax-exempt status of the security;

(G) Modifications to rights of security holders;

(H) Bond calls (other than mandatory sinking fund redemptions);

(I) Defeasances;

(J) Release, substitution, or sale of property securing repayment of the securities;

(K) Rating changes.

(viii) "Material Event Notice" means notice in Prescribed Form in accordance with EMMA of a Material Event.

(ix) "MSRB" means the Municipal Securities Rulemaking Board and any successors or assigns, or any other entities or agencies approved under the Rule.

(x) "Outstanding" when used with reference to any of the Bonds shall mean, as of a particular date, all Bonds theretofore authenticated and delivered under one or more ordinances of the City, except: (i) Bonds theretofore canceled by the fiscal agent or paying agent (as defined in the ordinance(s) authorizing the issuance of such Bonds) or delivered to such fiscal agent or paying agent for cancellation; (ii) Bonds for which payment or redemption monies or government securities (as defined in the ordinance(s) authorizing the issuance of such Bonds), or both, in the necessary amounts have been deposited with the fiscal agent or paying agent or other such depository as provided in the ordinance(s) authorizing the issuance of such Bonds, in trust for the owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Bonds); or (iii) Bonds in exchange for or in lieu of which refunding bonds have been authenticated and

delivered pursuant to the terms of (and within the meaning of) the appropriate ordinance(s).

(xi) "Prescribed Form" means such electronic format accompanied by such identifying information as shall have been prescribed by the MSRB and which shall be in effect on the date of filing of the applicable information.

(xii) "Redemption Date(s)" shall mean, when used with respect to any Bond(s), the date(s) established as such in the ordinance(s) authorizing the issuance of such Bond(s).

(xiii) "Report Date" means December 31st of each year, beginning December 31, 2009.

(2) The City, as an "obligated person" within the meaning of the Rule, undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.010(c):

(i) Annual Financial Information;

(ii) Audited Financial Statements; and,

(iii) Material Event Notices.

(3) So long as the Rule continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Bonds issued subject to such requirements which remain Outstanding:

(i) The City shall provide the Annual Financial Information in Prescribed Form in accordance with EMMA to the MSRB, on or before the Report Date. The City may adjust the Report Date if the City changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to the MSRB; provided that the new Report Date shall be six months after the end of the new fiscal year and provided further that the period between the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the City provides to the MSRB the Annual Financial Information by specific reference to documents available to the public on the MSRB's Internet Web site, or filed with the SEC.

(ii) If not provided as part of the Annual Financial Information, the City shall provide the Audited Financial Statements when and if available to the MSRB in Prescribed Form in accordance with EMMA.

(iii) If a Material Event occurs, the City shall file a Material Event Notice in a timely manner in Prescribed Form in accordance with EMMA with the MSRB. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Bonds to which the Material Event(s) covered by the Material Event Notice pertain(s).

(iv) The City shall provide in Prescribed Form in accordance with EMMA in a timely manner to the MSRB notice of any failure by the City to provide Annual

Financial Information on or before the Report Date to the MSRB as required by the terms of this Section 2.05.010(c).

(4) The information listed in Subsection (c)(2) shall be provided by the City to the MSRB, at www.emma.msrb.org, in the Prescribed Form or by such other method of transmitting information that is approved by the SEC.

(5) This Section 2.05.010(c) or any provision hereof, shall be subject to nullification and repeal in the event that the City first delivers to the MSRB, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Section 2.05.010(c) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Bonds. This Section 2.05.010(c) may be amended without the consent of the holders or beneficial owners of any Bond(s), following the delivery by the City to the MSRB, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.010(c) or the adequacy of the City's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

(i) The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted;

(ii) The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

(iii) The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the City (such as the trustee or bond counsel) or by approving vote of holders of the Bonds pursuant to the terms of the governing instrument(s) at the time of the amendment;

(iv) If the amendment changes the type of operating data or financial information provided pursuant to the City's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

(v) If the amendment alters portions of the City's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the MSRB.

(6) Any failure by the City to perform in accordance with this Section 2.05.010(c) shall not constitute an "Event of Default" or "Default" within the meaning of any ordinance(s)

authorizing the issuance of any of the Bonds, and the rights and remedies provided to holders or beneficial owners of the Bonds under such ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

(7) If any of the foregoing provisions or terms of this Section 2.05.010(c), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 2.05.010(c) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Section 2.05.010(c) are declared to be severable.

(8) None of the provisions of this Section 2.05.010(c) are in any way intended to impose upon, or result in an assumption by, the City or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Section 2.05.010(c) shall not, in any way, create liability or a basis for liability on the part of the City or any officer or employee thereof for any damages that result from failure of the City to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Section 2.05.010(c) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Bond to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(9) This Section 2.05.010(c) shall inure solely to the benefit of the holders of the Bonds as required by Section (b)(5)(i) of the Rule, and shall create no rights in any other person or entity.

(10) The City shall maintain records of all disclosure made pursuant to this Section 2.05.010(c), including the content of such disclosure, the names of the entities with whom such disclosure was filed and the date of filing such disclosure.

SECTION 2. Ordinance 42-996, passed on February 27, 1996, is hereby repealed in its entirety and replaced by this ordinance.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city newspaper.

PASSED by the Governing Body of the City of Wichita, Kansas this 14th day of July, 2009.

CITY OF WICHITA, KANSAS

Carl Brewer, Mayor

Attest:

Karen Sublett, City Clerk

(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

FIRST PUBLISHED IN THE DAILY REPORTER ON JULY __, 2009

ORDINANCE NO. __-____

AN ORDINANCE AMENDING SECTION 2.05.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO A MASTER UNDERTAKING TO PROVIDE ONGOING DISCLOSURE IN CONNECTION WITH GENERAL OBLIGATION TEMPORARY NOTES ISSUED BY THE CITY OF WICHITA, KANSAS, FOR DISTRIBUTION IN PUBLIC OFFERINGS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 2.05.020 of the Code of the City of Wichita shall read as follows:

2.05.020 Undertaking to Provide Ongoing Disclosure in Connection with City of Wichita General Temporary Notes Issued for Distribution Through Public Offering.

(a) This Section 2.05.020 establishes and constitutes a written undertaking which shall function as a master undertaking for the benefit of the holders as well as the beneficial owners of all general obligation ~~Temporary Notes~~temporary notes issued by the City of Wichita purchased for public distribution by one or more underwriters, on or after July 3, 1995 (the "Notes"), as might he required to establish legal preconditions for sale of some of the Notes through an underwriter or underwriters, under Section (b)(5)(i) of Securities and Exchange Commission ("SEC") Rule 1 5c2--12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended. ~~Capitalized terms used in this Section 2.05.020 and not otherwise defined in this Ordinance shall have the meanings assigned to such terms in subsection (d) hereof.~~

(b) This Subsection (b) of Section 2.05.020 shall apply to all Notes issued on or between July 3, 1995, and June 30, 2009.

~~(b)~~(1) The City of Wichita, as issuer of the Notes (the "Issuer") undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.020(b):

- ~~(1)~~(i) Annual Financial Information;
- ~~(2)~~(ii) Audited Financial Statements; and,
- ~~(3)~~(iii) Material Event Notices.

~~(c)~~(2) So long as the Rule (or the policy of the Issuer with respect to sale of the Notes) continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Notes issued subject to such requirements which remain Outstanding:

~~(1)~~(i) The Issuer shall provide the Annual Financial Information on or before December 31 of each year (the "Report Date"), beginning in December 1996, to each then existing NRMSIR and the SID, if any. The Issuer may adjust the Report Date if the Issuer changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to each then existing NRMSIR and the SID, if any; provided that the new Report Date shall be not more than 365 days after the end of the

new fiscal year and provided further that the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the Issuer provides to each then existing NRMSIR and the SID, if any, the Annual Financial Information by specific reference to documents previously provided to each NRMSIR and the SID, if any, or filed with the Securities and Exchange Commission and, if such a document is a final official statement within the meaning of the Rule, available from the Municipal Securities Rulemaking Board ("MSRB"). The Issuer shall also provide to each NRMSIR and the SID, if any, copies of each final official statement (within the meaning of the Rule) which is produced on or after July 3, 1995, in connection with the offering of any of the Notes, within 60 days after such official statement is finalized for distribution by the underwriter.

~~(2)~~ (ii) The Issuer shall provide the Audited Financial Statements as part of the Annual Financial Information described in the preceding paragraph of this subsection.

~~(3)~~ (iii) If a Material Event occurs, the Issuer shall provide a Material Event Notice in a timely manner to the MSRB and the SID, if any. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Notes to which the Material Event(s) covered by the Material Event Notice pertain(s).

~~(4)~~ (iv) The Issuer shall provide, in a timely manner, to the MSRB and to the SID, if any, notice of any failure by the Issuer to provide Annual Financial Information on or before the Report Date to each then existing NRMSIR and the SID (if any) as required by the terms of this ~~Code~~ Section 2.05.010(b).

~~(43)~~ The following are the definitions of the capitalized terms used in this ~~Code~~ Section 2.05.020(b) and not otherwise defined elsewhere in this ~~Code~~ Section 2.05.020(b):

~~(1)~~ (i) "Annual Financial Information" means the Issuer's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the Issuer, provided at least annually, of the type included in official statements relating to the Notes (including some unaudited data).

~~(2)~~ (ii) "Audited Financial Statements" means the Issuer's general purpose financial statements for the previous fiscal year, prepared in accordance with generally accepted accounting principles ("GAAP") for governmental units as prescribed by the Governmental Accounting Standards Board ("GASB") (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

~~(3)~~ (iii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Notes:

~~(i)~~ (A) Principal and interest payment delinquencies;

~~(ii)~~ (B) Non-payment related defaults;

- ~~(iii)~~ (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
- ~~(iv)~~ (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- ~~(v)~~ (E) Substitution of credit or liquidity providers or their failure to perform;
- ~~(vi)~~ (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- ~~(vii)~~ (G) Modifications to rights of security holders;
- ~~(viii)~~ (H) Note calls;
- ~~(ix)~~ (I) Defeasances;
- ~~(x)~~ (J) Release, substitution, or sale of property securing repayment of the securities;
- ~~(xi)~~ (K) Rating changes.

~~(4)~~ (iv) "Material Event Notice" means written or electronic notice of a Material Event.

~~(5)~~ (v) "NRMSIR" means a nationally recognized municipal securities information repository, as recognized from time to time by the SEC for the purposes referred to in the Rule.

~~(6)~~ (vi) "Outstanding" when used with reference to any of the Notes shall mean, as of a particular date, all Notes theretofore authenticated and delivered under one or more Ordinances of the City of Wichita, except: (i) Notes theretofore canceled by the Fiscal Agent (as defined in the Ordinance(s) authorizing the issuance of such Notes) or delivered to such Fiscal Agent for cancellation; (ii) Notes for which payment or redemption monies or Government Securities (as defined in the Ordinance(s) authorizing the issuance of such Notes), or both, in the necessary amounts have been deposited with the Fiscal Agent or other such depository as provided in the Ordinance(s) authorizing the issuance of such Notes, in trust for the Owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Notes); or (iii) Notes in exchange for or in lieu of which Refunding Notes have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate Ordinance(s).

~~(7)~~ (vii) "Redemption Date(s)" shall mean, when used with respect to any Note(s), the date(s) established as such in the Ordinance(s) authorizing the issuance of such Note(s).

~~(8)~~ (viii) "SID" means a state information depository as operated or designated as such by the State of Kansas for the purposes referred to in the Rule.

~~(e)-(4)~~ Unless otherwise required by law and subject to technical and economic feasibility, and to annual appropriations, the Issuer will exercise its best efforts to employ such methods of information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

~~(f)-(5)~~ This Section 2.05.020(b) or any provision hereof, shall be subject to nullification and repeal in the event that the Issuer first delivers to each then existing NRMSIR and the SID, if any, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule (and those portions of any policy of the Issuer) that require this Section 2.05.020(b) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Notes. This Section 2.05.020(b) may be amended without the consent of the holders or beneficial owners of any Note(s), following the delivery by the Issuer to each then existing NRMSIR and the SID, if any, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.020(b) or the adequacy of the Issuer's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

~~(1)-(i)~~ The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer, or type of business conducted;

~~(2)-(ii)~~ The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

~~(3)-(iii)~~ The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the Issuer (such as the trustee or bond counsel) or by approving vote of holders of the Notes pursuant to the terms of the governing instrument(s) at the time of the amendment;

~~(4)-(iv)~~ If the amendment changes the type of operating data or financial information provided pursuant to the Issuer's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

~~(5)-(v)~~ If the amendment alters portions of the Issuer's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the NRMSIRs or the MSRB, and the appropriate SID, if any.

~~(e)~~ (6) Any failure by the Issuer to perform in accordance with this Section ~~2.05.020(b)~~ shall not constitute an "Event of Default" or "Default" within the meaning of any Ordinance(s) authorizing the issuance of any of the Notes, and the rights and remedies provided to holders or beneficial owners of the Notes under such Ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

~~(h)~~ (7) If any of the foregoing provisions or terms of this ~~Code-section~~ Section 2.05.020(b), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this ~~Code~~ Section 2.05.020(b) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this ~~Code~~ Section 2.05.020(b) are declared to be severable.

~~(i)~~ (8) None of the provisions of this ~~Code~~ Section 2.05.020(b) are in any way intended to impose upon, or result in an assumption by, the City of Wichita or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this ~~Code~~ Section 2.05.020(b) shall not, in any way, create liability or a basis for liability on the part of the City of Wichita, Kansas or any officer or employee thereof for any damages that result from failure of the Issuer to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this ~~Code~~ Section 2.05.020(b) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Note to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(c) This Subsection (c) of Section 2.05.020 shall apply to all Notes issued after the publication of this ordinance.

(1) The following are the definitions of the capitalized terms used in this Section 2.05.020(c) and not otherwise defined elsewhere in this Section 2.05.020(c):

(i) "Annual Financial Information" means the City's Comprehensive Annual Financial Report ("CAFR"), presenting financial and statistical information for the previous fiscal year (prepared in accordance with the guidelines of the Government Finance Officers Association of the United States and Canada ("GFOA"), as the same may be from time to time amended), and operating data with respect to the City, provided at least annually, of the type included in official statements relating to the Notes (including some unaudited data).

(ii) "Audited Financial Statements" means the City's general purpose financial statements for the previous fiscal year, prepared in accordance with GAAP for governmental units as prescribed by the GASB (except as otherwise stated or disclosed in the notes thereto or as otherwise required by applicable law, as the same may be from time to time amended), which shall have been audited by such auditor(s) as shall be then required or permitted by applicable law.

(iii) "City" means the city of Wichita, Kansas.

(iv) "EMMA" means the Electronic Municipal Market Access facility for municipal securities disclosure of the MSRB, or any other market access method approved under the Rule.

(v) "GAAP" means generally accepted accounting principles.

(vi) "GASB" means the Governmental Accounting Standards Board or its successors or assigns.

(vii) "Material Event" means any of the following events, if material, with respect to any of the Outstanding Notes:

(A) Principal and interest payment delinquencies;

(B) Non-payment related defaults;

(C) Unscheduled draws on debt service reserves reflecting financial difficulties;

(D) Unscheduled draws on credit enhancements reflecting financial difficulties;

(E) Substitution of credit or liquidity providers or their failure to perform;

(F) Adverse tax opinions or events affecting the tax-exempt status of the security;

(G) Modifications to rights of security holders;

(H) Note calls (other than mandatory sinking fund redemptions);

(I) Defeasances;

(J) Release, substitution, or sale of property securing repayment of the securities;

(K) Rating changes.

(viii) "Material Event Notice" means notice in Prescribed Form in accordance with EMMA of a Material Event.

(ix) "MSRB" means the Municipal Securities Rulemaking Board and any successors or assigns, or any other entities or agencies approved under the Rule.

(x) "Outstanding" when used with reference to any of the Notes shall mean, as of a particular date, all Notes theretofore authenticated and delivered under one or more ordinances of the City, except: (i) theretofore canceled by the fiscal agent or paying agent (as defined in the ordinance(s) authorizing the issuance of such Notes) or delivered to such fiscal agent or paying agent for cancellation; (ii) Notes for which payment or redemption monies or government securities (as defined in the ordinance(s) authorizing the issuance of such Notes), or both, in the necessary amounts have been deposited with

the fiscal agent or paying agent or other such depository as provided in the ordinance(s) authorizing the issuance of such Notes, in trust for the owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Notes); or (iii) Notes in exchange for or in lieu of which refunding notes have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate ordinance(s).

(xi) "Prescribed Form" means such electronic format accompanied by such identifying information as shall have been prescribed by the MSRB and which shall be in effect on the date of filing of the applicable information.

(xii) "Redemption Date(s)" shall mean, when used with respect to any Note(s), the date(s) established as such in the ordinance(s) authorizing the issuance of such Note(s).

(xiii) "Report Date" means December 31st of each year, beginning December 31, 2009.

(2) The City of Wichita, as an "obligated person" within the meaning of the Rule, undertakes to provide the following information, at the times and to the recipients as provided in this Section 2.05.020(c):

(i) Annual Financial Information;

(ii) Audited Financial Statements; and,

(iii) Material Event Notices.

(3) So long as the Rule (or the policy of the Issuer with respect to sale of the Notes) continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Notes issued subject to such requirements which remain Outstanding:

(i) The City shall provide the Annual Financial Information in Prescribed Form in accordance with EMMA to the MSRB, on or before the Report Date. The City may adjust the Report Date if the City changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to the MSRB; provided that the new Report Date shall be six months after the end of the new fiscal year and provided further that the period between the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the City provides to the MSRB the Annual Financial Information by specific reference to documents available to the public on the MSRB's Internet Web site, or filed with the SEC.

(ii) If not provided as part of the Annual Financial Information, the City shall provide the Audited Financial Statements when and if available to the MSRB in Prescribed Form in accordance with EMMA.

(iii) If a Material Event occurs, the City shall file a Material Event Notice in a timely manner in Prescribed Form in accordance with EMMA with the MSRB. Each "Material Event Notice" shall be so captioned, and shall prominently state the date, title

and CUSIP numbers of the Notes to which the Material Event(s) covered by the Material Event Notice pertain(s).

(iv) The City shall provide in Prescribed Form in accordance with EMMA in a timely manner to the MSRB notice of any failure by the City to provide Annual Financial Information on or before the Report Date to the MSRB as required by the terms of this Section 2.05.010(c).

(4) The information listed in Subsection (c)(2) shall be provided by the City to the MSRB, at www.emma.msrb.org, in the Prescribed Form or by such other method of transmitting information that is approved by the SEC.

(5) This Section 2.05.020(c) or any provision hereof, shall be subject to nullification and repeal in the event that the City first delivers to the MSRB, an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Section 2.05.020(c) as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Notes. This Section 2.05.020(c) may be amended without the consent of the holders or beneficial owners of any Note(s), following the delivery by the City to the MSRB, of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the adequacy of this Section 2.05.020(c) or the adequacy of the City's subsequent conduct for purposes of compliance with the Rule, provided, however, that no such amendment will be made unless the following conditions are satisfied:

(i) The amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted;

(ii) The undertaking, as amended, would have complied with the requirements of the Rule at the time of any primary offering to which the undertaking applies, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances;

(iii) The amendment does not materially impair the interests of holders, as determined either by parties unaffiliated with the City (such as the trustee or bond counsel) or by approving vote of holders of the Notes pursuant to the terms of the governing instrument(s) at the time of the amendment;

(iv) If the amendment changes the type of operating data or financial information provided pursuant to the City's undertaking, the Annual Financial Information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided; and,

(v) If the amendment alters portions of the City's undertaking specifying the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles, which comparison should include a qualitative (and to the extent reasonably feasible, quantitative) discussion of the differences in the accounting principles and the impact of

the change in principles on the presentation of the financial information. A notice of the change in accounting principles will be sent to the MSRB.

(6) Any failure by the City to perform in accordance with this Section 2.05.020(c) shall not constitute an "Event of Default" or "Default" within the meaning of any ordinance(s) authorizing the issuance of any of the Notes, and the rights and remedies provided to holders or beneficial owners of the Notes under such ordinance(s) upon the occurrence of such a "Default" or such an "Event of Default" shall not apply to any such failure.

(7) If any of the foregoing provisions or terms of this Section 2.05.020(c), or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 2.05.020(c) which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Section 2.05.020(c) are declared to be severable.

(8) None of the provisions of this Section 2.05.020(c) are in any way intended to impose upon, or result in an assumption by, the City or any of its officers, agents or employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the City hereby expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Section 2.05.020(c) shall not, in any way, create liability or a basis for liability on the part of the City or any officer or employee thereof for any damages that result from failure of the City to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Section 2.05.020(c) or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any holder or beneficial owner of any Note to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

(9) This Section 2.05.020(c) shall inure solely to the benefit of the holders of the Notes as required by Section (b)(5)(i) of the Rule, and shall create no rights in any other person or entity.

(10) The City shall maintain records of all disclosure made pursuant to this Section 2.05.020(c), including the content of such disclosure, the names of the entities with whom such disclosure was filed and the date of filing such disclosure.

SECTION 2. Ordinance 42-997, passed on February 27, 1996, is hereby repealed in its entirety and replaced by this ordinance.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city newspaper.

PASSED by the Governing Body of the City of Wichita, Kansas this 14th day of July, 2009.

CITY OF WICHITA, KANSAS

Carl Brewer, Mayor

Attest:

Karen Sublett, City Clerk

(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Aquifer Storage and Recovery – Design Contract for Well Field Maintenance Facility and Supervisor’s Residence

INITIATED BY: Water Utilities

AGENDA: New Business

Recommendation: Approve the Agreement for Professional Design Services with McCluggage Van Sickle & Perry for design and basic bidding services for the well field maintenance facility and the supervisor’s residence for the Aquifer Storage and Recovery Project.

Background: On July 10, 2007, the City Council approved and instructed Staff to proceed with the projects necessary for Phase II of the Equus Beds Aquifer Storage and Recovery (ASR) Project. The current maintenance facility is located nine (9) miles north of the future ASR Water Treatment Plant and is sized for the present thirteen staff members, and the maintenance activities associated with fifty-five municipal water supply wells and a 10 million gallon-a-day ASR system. The supervisor’s residence is part of the maintenance facility site providing added security in a remote area, as well as immediate response to operational issues that occur after hours. **The residence will be constructed after the completion of the ASR Phase II facilities in the spring of 2012.** The City will have an investment of over \$100 million at the site.

Analysis: With the addition of the Bentley Well Field and Phase II ASR facilities, the staffing and maintenance requirements are increasing beyond the existing maintenance facility’s footprint. The facility is presently located on 5 acres of easement associated with Well No. 14. It consists of the office, electronics shop, maintenance garage, large vehicle storage, supervisor’s residence, lagoon, high line training area, power pole and pipe storage. There is no space available to expand.

The City purchased 120 acres for Phase II Water Treatment Plant and substation. The south 80 acres is large enough for the Phase II facilities and a new maintenance facility. The new facility will be capable of accommodating a growing staff, fleet and maintenance responsibilities throughout future phases as the well field more than doubles in infrastructure.

The Purchasing Manager issued a Request for Qualifications for architectural design and basic bidding services for the well field maintenance facility and supervisor’s residence for the Equus Beds Well Field section of the Production & Pumping Division of Water Utilities. Five firms submitted proposals: Howard + Helmer Architecture, McCluggage Van Sickle & Perry, LawKingdon Architecture, El Dorado Inc. and Schaefer Johnson Cox Frey Architecture. All were interviewed by the Staff Screening and Selection Committee. McCluggage Van Sickle & Perry was selected based on their superior experience in designing similar facilities, their proposed project team, performance record with other City projects and their local presence.

Before proceeding to construct any of these facilities, the City Council will have to approve construction projects. The proposed contract is for design and bidding services when the projects proceed to

construction.

Financial Considerations: The estimated cost for design and bidding services is \$255,553. Funding for this project is included in Water Utilities CIP Project W-549, Water Supply Plan, which is for future water supply development. **Staff will return to City Council when the design for the supervisor's residence has been completed to request approval for construction.**

Goal Impact: The project will help ensure efficient infrastructure by ensuring that Water Utilities has sufficient facilities to support and maintain its infrastructure in the Equus Beds Well Field.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Agreement for Professional Design Services and authorize the necessary signatures.

Attachments:

- 1) Agreement for Professional Design Services with McCluggage Vansickle & Perry
- 2) Site plan for ASR Phase II Plant, Maintenance Facility & Residence

NO.	DATE	BY	APP.	DESCRIPTION
1	5/12/06	JDP		
2				
3				
4				
5				
6				
7				
8				
9				
10				



PREPARED FOR
WICHITA WATER UTILITIES

DESIGNED
 R. BESANON
 CHECKED
 J. L. HOWARD

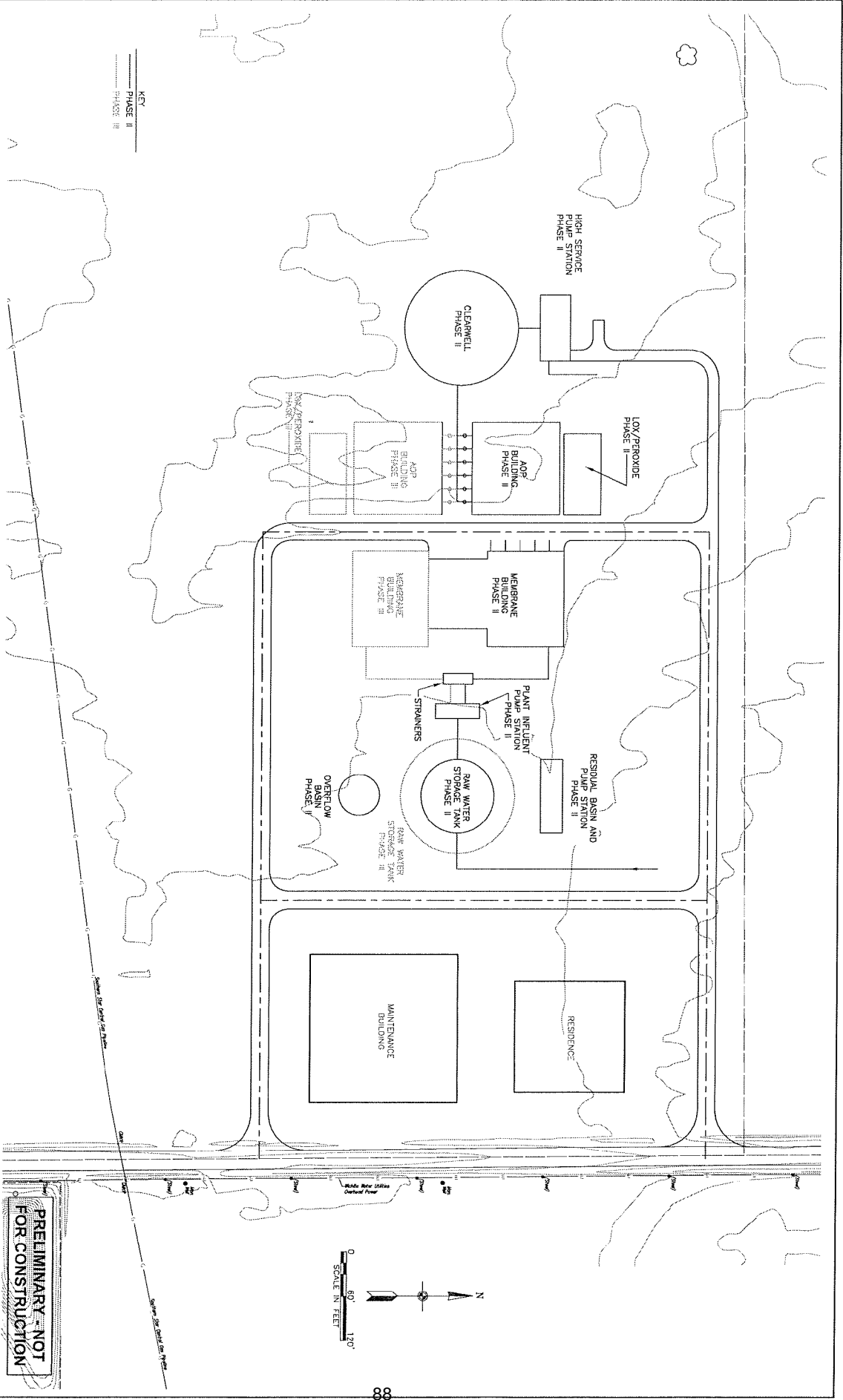
REVIEWED
 J. L. HOWARD

VERIFY SCALE
 OF EXISTING DRAWING
 BEFORE S. SET TO SCALE

CITY OF WICHITA
 PROJ. NO. 78013

PACKAGE A - SURFACE WATER TREATMENT PLANT AND RIVER INTAKE
ASR PHASE II SWTP
MEMBRANE BUILDING OPTION D

SCALE:
 1"=60'
 DATE:
 MAY 5, 2005
 DRAWING NO.
 SK-7



PRELIMINARY - NOT FOR CONSTRUCTION

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: CUP2008-52– DP-18 Amendment #3 to allow a nightclub on property zoned LC Limited Commercial; generally located north of 21st Street North and east of Somerset Avenue (1580 West 21st Street North). (District VI)

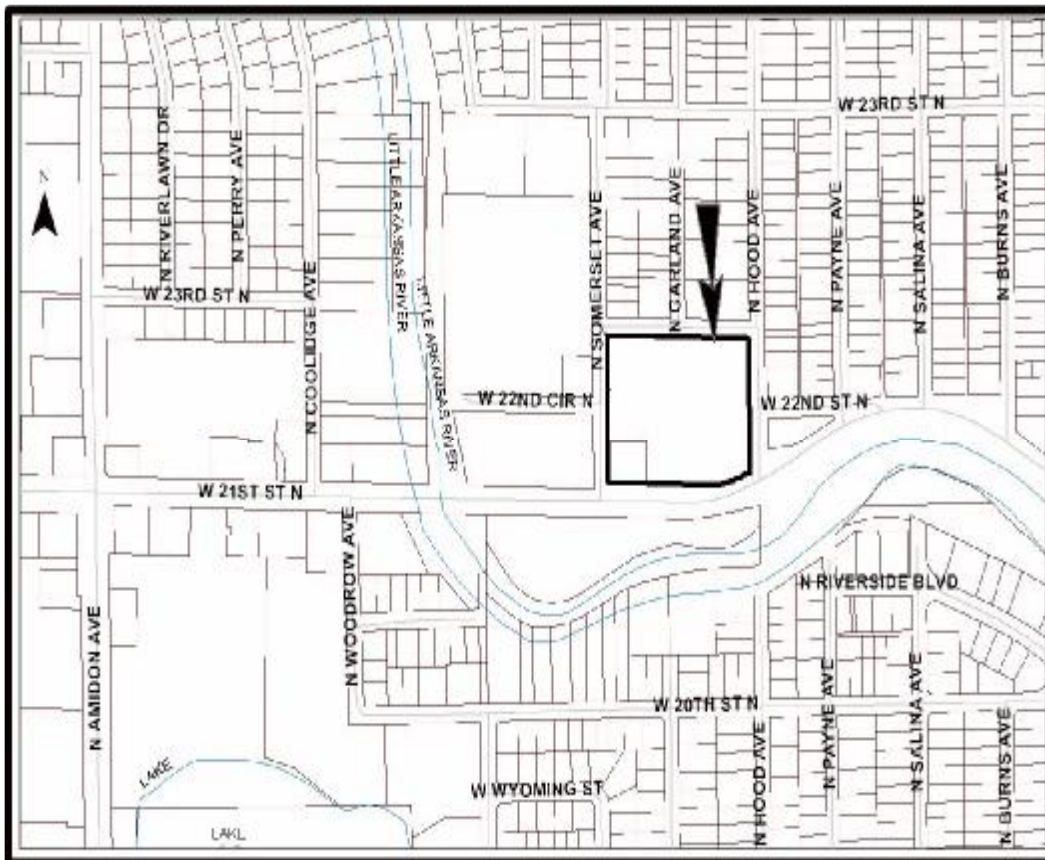
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to staff recommendations (8-1).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations (10-0).



BACKGROUND: The applicant seeks a CUP amendment to allow a nightclub within an existing restaurant located at 1580 W. 21st Street North. The applicant wishes to use 5,000 square feet of the existing restaurant as a nightclub and private rental facility; this space is limited by fire code to a 300 person occupancy. The 5,000 square feet of designated nightclub space is located within a larger 10,600 square foot building. DP-18 does not list nightclubs as a permitted use for this site. Also, the site is located within 60 feet of a church and multi-family residential zoning; these factors require the applicant to request a CUP amendment for a nightclub.

A “nightclub in the city” is defined by the *Unified Zoning Code* as an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, where alcoholic beverages are offered to the public or its members and which may or may not serve food. “Nightclub in the city” is a use permitted by right in the LC Limited Commercial (“LC”) zoning district except when it is located within 200 feet of a church or place of worship, public park, school or residential zoning district; measured property line to property line. A Conditional Use (or an amendment to a Community Unit Plan) is required if a nightclub is located within 200 feet of the aforementioned uses or zoning districts.

The existing business is located within a shopping center outbuilding, located on the west side of the property, northeast of the Somerset Avenue and 21st Street intersection. The site is within Parcel 1 of the River Bend Shopping Center Community Unit Plan (CUP), DP-18. The applicant’s property is zoned LC, subject to the conditions contained in DP-18, including the development standards for Parcel 1. Uses permitted in Parcel 1 are restricted to: Shopping center, department store, restaurant, offices and other similar uses permitted in LC zoning. Existing businesses located in the CUP include a gas station/tire store, a bus station, a retail strip center, a bingo hall and a vacant restaurant.

North and east of this property is SF-5 Single-family Residential (“SF-5”) and LC zoning with single family residences to the north and east, and commercial uses to the east. South of the site, on the south side of 21st Street, is GO General Office (“GO”) zoning and a medical office building. West of the site is B Multi-family Residential (“B”) and GO zoning with a church and an apartment complex.

A previous nightclub located within this same shopping center generated law enforcement problems several years ago. In 2004, a different tenant within this shopping center requested an amendment to this same CUP for a drinking establishment and nightclub; that request was denied and generated significant neighborhood opposition. It would be important to note that the previous nightclub and the previously denied application were on the east side of the shopping center, with the club and parking approximately 100 feet from single-family residences. The previous club and other request also had higher occupancies than the current request. This current request is at a different location within the shopping center. When measured from the building proposed to house the nightclub, the building is over 280 feet from single-family residences to the north, and over 475 feet from residences to the east, with a commercial strip center building located between this site and all single-family residences. The proposed nightclub building is located over 320 feet from the nearest apartment building, and 178 feet from the church building to the west. However, as indicated above, the application area, measured property line to property line, is located within 60 feet of the apartment and church properties located to the west.

Analysis: DAB VI heard this request on January 5, 2009. One person spoke against the request and several people spoke in support of the request at the DAB hearing. DAB VI approved the request subject to staff recommendations. (DAB VI will hear this item again on July 6, 2009. That hearing will seek additional public comment on the request.) The MAPC heard this request on January 8, 2009. At the MAPC hearing, the manager of the adjacent apartment complex located west of the site spoke against the request, one residential neighbor spoke in support of the request and one business neighbor asked questions and expressed concerns. The action of the MAPC was to approve the request subject to staff recommended conditions. (Option 1 under the Recommendation/Actions section).

A neighborhood meeting was held on March 3, 2009. At that meeting, the applicant agreed to additional staff-proposed conditions, among which: eliminated the request for a “drinking establishment,” require the

applicant to abide by all license and permit requirements, require additional review provisions, and have a revocation clause if the applicant failed to meet the CUP amendment conditions. A copy of the follow-up memorandum from that meeting, dated March 4, 2009, is attached. (Option 2 in the Recommendation/Action section below would incorporate recommendations discussed at the neighborhood meeting into the MAPC's recommended action.)

City Council first heard this request on February 10, 2009, and the Council deferred the case to the March 10, 2009, hearing. On March 10, 2009, the action of the City Council was to defer this request until after such time that the new entertainment ordinance is passed, and at that time send it back through the District Advisory Board and MAPC process. The applicant has since requested that the Council make a decision on this item without waiting for the above stated conditions to be met. On June 23, 2009, the Council voted to hear the request at the July 7, 2009, hearing. (The recommendation of the second, July 6, DAB VI meeting will be provided during the Council's July 7 meeting.)

The applicant submitted letters of support, along with the application, from neighborhood and business associations, and the church west of the site. The adjacent apartment complex management submitted a letter of opposition to the request from the same church and from several individual members of a neighborhood association which had submitted a letter of support. Twenty-three properties filed protests against this request, for a total of 63% of the protest area. Because the protest area is greater than 20%, the governing body requires a $\frac{3}{4}$ supermajority to override the protests.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: No ordinance is required.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the community unit plan amendment subject to the recommended conditions (requires a $\frac{3}{4}$ supermajority vote by the governing body to override the valid protest); or
2. Adopt the findings of the MAPC and approve the CUP Amendment subject to staff recommended conditions plus the additional conditions agreed to by the applicant as outlined in the memorandum of March 4, 2009 (requires a $\frac{3}{4}$ supermajority vote by the governing body to override the valid protest)
3. Return the application to the MAPC for reconsideration (requires a simple majority).

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)



Wichita-Sedgwick County Metropolitan Area Planning Department

March 4, 2009

MEMORANDUM FOR: City Council

FROM: Jess McNeely, MAPD Staff

RE: CUP2008-52 - DP-18 Amendment #3 to allow a night club on property zoned LC Limited Commercial, generally located north of 21st Street North and east of Somerset Avenue.

On March 3, 2009 at 6:30 pm, MAPD staff, Councilmember Sharon Fearey, and Wichita Police Department staff held a neighborhood public meeting regarding this request. City staff, with the applicant's concurrence, recommended the following revised conditions to the CUP Amendment request:

Italicized conditions are added since the WCC hearing on February 10, 2009; also, references to a "drinking establishment" land-use have been removed.

1. DP-18 Parcel 1 item I. shall be amended to add Amendment #3: "One nightclub shall be permitted at 1570 W. 21st Street North. The nightclub shall be attached to a restaurant and under the same ownership as the restaurant. The nightclub shall not exceed 5,000 square feet in size, shall not exceed a 300-person occupancy, and shall conform to an approved site plan."
2. The applicant shall submit a site plan, to be approved by Planning Staff, which demonstrates a designated nightclub parking area of 150 spaces which shall not be permitted within 160 feet of the east property line. The nightclub shall be responsible to enforce the designated parking area.
3. The restaurant and nightclub shall be restricted to a Drinking Establishment – Restaurant (DER) liquor license, consistent with the Zoning Code definition of a "restaurant".
4. *The applicant, or nightclub operator, shall maintain in full force and effect all licenses or permits that are required by any governmental agency for the operation of a nightclub.*
5. *City Staff shall provide City Council with a review report of DP-18 Amendment #3 within six months of approval by the City Council. The report shall address conformance to the DP-18 Amendment #3 conditions and any licensing and/or other law enforcement issues that have occurred in that six-month period. The City Council may request further staff reports on DP-18 Amendment #3 conformance with City codes and conditions.*

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

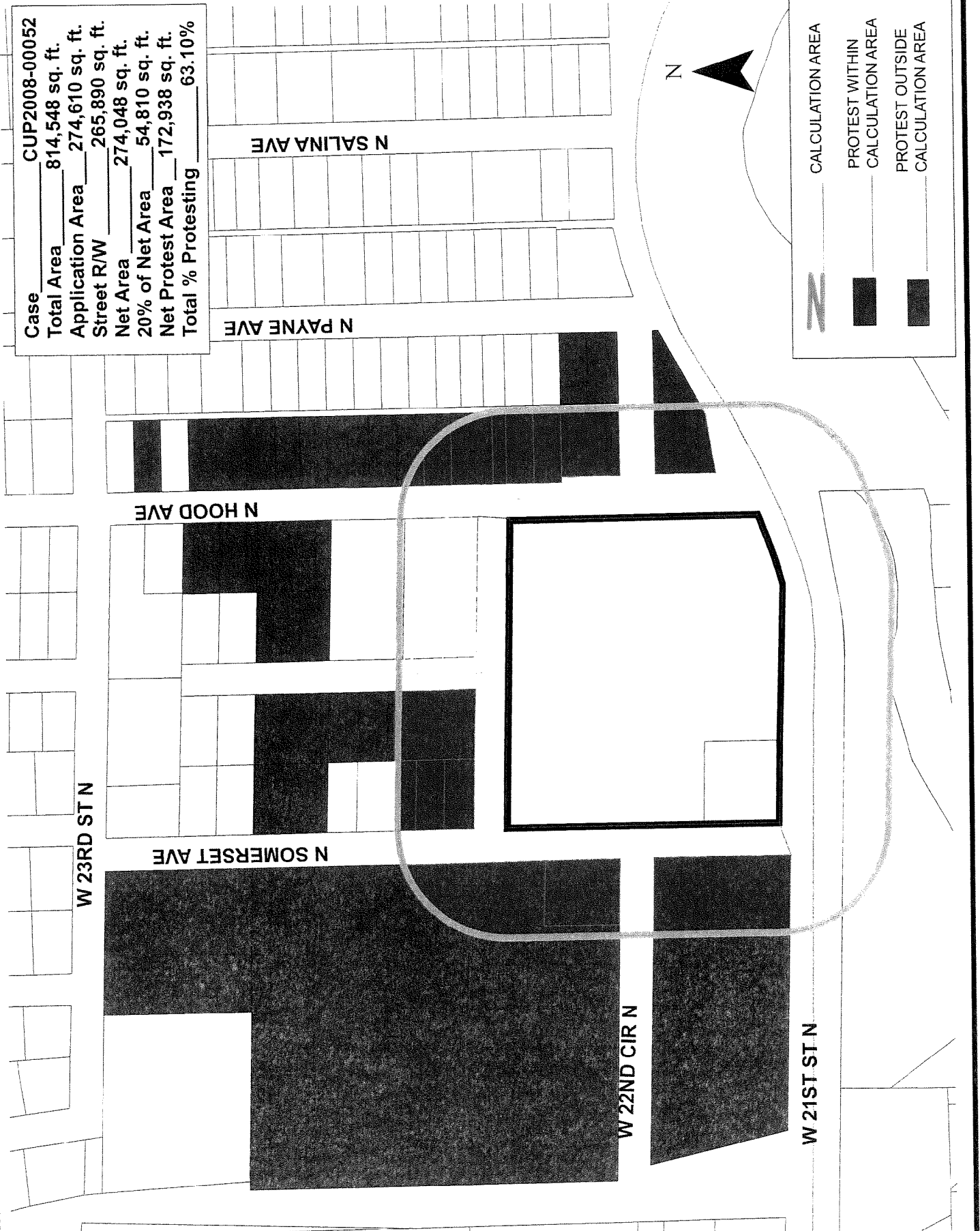
6. *If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-18 Amendment #3, the Zoning Administrator, may, with the concurrence of the Planning Director, declare the DP-18 Amendment #3 null and void.*
7. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Under the current CUP restrictions, the applicant has a DER and cabaret license, which allows for a restaurant that also sells alcohol, and live entertainment. With the above proposed conditions, permitting the CUP Amendment for a nightclub would then allow the applicant to obtain a dance hall license, which would be the only change to the current establishment. City Staff feels that the proposed conditions, along with licensing ordinances, would keep the proposed nightclub at a neighborhood scale, would mitigate negative effects on the surrounding neighborhood, would have adequate additional review, and would have a revocation clause if the site failed to comply with the Amendment Conditions.

The neighborhood meeting had a sign-in attendance of 35 people representing 28 addresses (see the attached sign-in roster). The majority of the public attending the meeting were vocally opposed to the requested CUP Amendment, citing concerns such as graffiti, trash, poor maintenance of the CUP grounds, a lack of parking on the site due to other nighttime businesses, concerns that designated parking areas would not be enforced, concerns that condition violations or complaints would not result in timely Police or OCI enforcement actions, intoxicated drivers, noise, firearm violations, violence in general, and illegal activity in general.

Please review this information when **CUP2008-52** (DP-18 Amendment #3 to allow a night club on property zoned LC Limited Commercial) is considered.

Case CUP2008-00052
 Total Area 814,548 sq. ft.
 Application Area 274,610 sq. ft.
 Street R/W 265,890 sq. ft.
 Net Area 274,048 sq. ft.
 20% of Net Area 54,810 sq. ft.
 Net Protest Area 172,938 sq. ft.
 Total % Protesting 63.10%



1-8-2009 MAPC

HAND OUT

ITEM # 5



INTEROFFICE MEMORANDUM

TO: MAPC Members
FROM: Terri Dozal, Neighborhood Assistant, District 6
SUBJECT: CUP2008-00052 1570 W 21ST ST N DP-18 Amendment #3 to allow a night club/drinking establishment on property zoned LC Limited Commercial generally located north of 21st Street North and East of Somerset Avenue.

DATE: January 7, 2009

On Monday, January 5, 2009 the District 6 Advisory Board (DAB) considered a DP-18 Amendment #3 to allow a night club/drinking establishment on property zoned LC Limited Commercial generally located north of 21st Street North and East of Somerset Avenue. The members were provided the MAPD staff report for review prior to the meeting. *Jess McNeely*, Planner presented the case background and reviewed the staff recommendation with members and the public.

The Board asked the following questions/comments:

- What is the correct address of the location?
- Was a notification sign posted as I don't see one.
- What about the parking for the supermarket, where is it to be?
- How do you intend to isolate the parking?
- Will this CUP request stay with the property?
- This is not in compliance with the *Comprehensive Plan* as the distance requirements are not met.
- What are the owner's plans for security and training them?
- Will this club be connected to the restaurant and will it be non-smoking?
- I suggest you cut the parking along Somerset.
- Very impressed the owner has worked with the neighborhoods for their support

One member of the public spoke in opposition of the request.

Seven public members spoke in favor of the request stating:

- Support for small businesses.
- Family/community oriented business.
- Will coordinate safety efforts with police.
- The owner already has a flourishing business for the past 10 years.
- The business brings Hispanic pride to the community.

******Action:** The DAB VI members made a motion to recommend to City Council Approval (10-0) of the request based on staff recommendations.

Please review this information when **CUP2008-00052(DP-18)** is considered.

mtd

EXCERPT OF JANUARY 8, 2009 MAPC HEARING

Case No.: CUP2008-52 – Nuot Nguyen and Ly Ngoc Thi (owner); Mario Quiroz (applicant); Baughman Company P.A., c/o Russ Ewy (agent) Request DP-18 Amendment #3 to allow a night club/drinking establishment on property zoned LC Limited Commercial.

Lot 1, W. F. Farha 3rd Addition, Wichita, Sedgwick County, Kansas, generally located north of 21st Street North and east of Somerset Avenue.

BACKGROUND: The applicant seeks a CUP amendment to allow a drinking establishment and nightclub within an existing restaurant located at 1580 west 21st Street North. The applicant wishes to use 5,000 square feet of the existing restaurant as a nightclub and private rental facility, this space is limited by fire code to a 300 person occupancy. The 5,000 square feet of designated nightclub space is located within a larger 10,600 square foot building. DP-18 does not list nightclubs or drinking establishments as permitted uses for this site. Also, the site is located within 200 feet of a church and multi-family residential zoning; these factors require the applicant to request a CUP amendment for a drinking establishment and nightclub.

If this request is approved, the current limitation on the amount of alcohol that can be sold on this site by virtue of the current Drinking Establishment–Restaurant (DE-R) license would be removed. The DE-R license requires that 50% of gross revenue be from food sales. Without the DE-R license restriction, there are no restrictions on the volume of alcohol that could be sold. Establishments that sell alcohol and provide entertainment/dancing can be good neighbors to other businesses, but they can also become nuisances that generate excessive noise and nuisance activity.

A “nightclub in the city” is defined by the *Unified Zoning Code* as an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, and where alcoholic beverages are offered to the public or its members, and which may or may not serve food. “Nightclub in the city” is a use permitted by right in the LC Limited Commercial (“LC”) zoning district except when it is located within 200 feet of a church or place of worship, public park, school or residential zoning district. A Conditional Use (or an amendment to a Community Unit Plan) is required if a nightclub is located within 200 feet of the aforementioned uses or zoning districts.

The existing business is within a shopping center outbuilding, located on the west side of the property, northeast of the Somerset Avenue and 21st Street intersection. The site is within Parcel 1 of the River Bend Shopping Center Community Unit Plan (CUP), DP-18. The applicant’s property is zoned LC, subject to the conditions contained in DP-18, including the development standards for Parcel 1. Uses permitted in Parcel 1 are restricted to: shopping center, department store, restaurant, offices and other similar uses permitted in LC zoning. Existing businesses located in the CUP include a gas station/tire store, a bus station, a retail strip center, a bingo hall and a vacant restaurant.

North and east of this property is SF-5 Single-family Residential (“SF-5”) and LC zoning with single family residences to the north and east, and commercial uses to the east. South of the site, on the south side of 21st Street, is GO General Office (“GO”) zoning and a medical office building. West of the site is B Multi-family Residential (“B”) and GO zoning with a church and an apartment complex.

A previous night club within this same shopping center generated law enforcement problems several years ago. In 2004, a different applicant requested an amendment to this same CUP for a drinking establishment and nightclub, that request was denied and generated significant neighborhood opposition. It would be important to note that the previous nightclub and the previously denied application were on

the east side of the shopping center, with the club and parking approximately 100 feet from single-family residences. This current request is at a different location within the center; the building is over 280 feet from single-family residences to the north, and over 475 feet from residences to the east, with a commercial strip center building between this site and all single-family residences. The proposed nightclub building is over 350 feet from the nearest apartment building, and over 200 feet from the church building to the west. However, the application area parking is within 200 feet of the apartment and church properties to the west.

CASE HISTORY: The W.F. Farha 3rd Addition was approved in 1966. DP-18 was approved in 1984. Currently 1530 west 21st Street has “drinking establishment-restaurant” (DE-R) license.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Residential
SOUTH:	GO	Medical office
EAST:	SF-5, LC	Residential, office and retail
WEST:	SF-5, GO, B	Church and multi-family residential

PUBLIC SERVICES: At this location 21st Street North is a four-lane arterial with a central turn lane. This section of 21st carries 17,316 average daily trips. All municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The 2030 *Wichita Functional Land Use Guide* of the Comprehensive Plan designates this site as appropriate for local commercial uses, defined as commercial uses that do not have a significant regional market draw. The site is within the adopted *21st Street North Corridor Redevelopment Plan*. The *21st Street North Corridor Redevelopment Plan* designates this shopping center as a “Commercial Mixed” area, which would encourage retail, office and restaurant uses mixed with medium density residential. The Comprehensive Plan has an objective to minimize detrimental impacts of higher intensity land uses located near residential living environments (p. 12, Land Use-Residential Objective II. B). Strategy II.B3 states that there is a need to evaluate the effectiveness of regulations aimed at reducing or preventing the detrimental impacts of land uses that produce excessive odors, noise or safety hazards upon residential areas.

RECOMMENDATION: Night clubs within this shopping center had negative impacts on the surrounding neighborhood in the past. This application is within a building further removed from single-family neighborhoods, and within a limited amount of space. Appropriate conditions limiting the size of the establishment and tying it to a restaurant will keep the proposed nightclub at a neighborhood scale, and mitigate any potential negative effects on the residential neighborhood. This application has generated only one phone call in opposition, possibly demonstrating neighborhood acceptance of this proposal. Likewise, several business and neighborhood group’s submitted letters of support for this application, see attached. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. DP-18 Parcel 1 item I. shall be amended to add Amendment #3: “One drinking establishment/nightclub shall be permitted at 1530 W. 21st Street North. The drinking establishment/nightclub shall be attached to a restaurant and under the same ownership as the restaurant. The nightclub shall not exceed 5,000 square feet in size, shall not exceed a 300-person occupancy, and shall conform to an approved site plan.”
2. The applicant shall submit a site plan, to be approved by Planning Staff, which demonstrates a designated nightclub parking area of 150 spaces which shall not be permitted within 160 feet of the east property line. The nightclub shall be responsible to enforce the designated parking area, and shall conform to all other codes and regulations.

3. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North and east of this property is SF-5 and LC zoning with single family residences to the north and east, and commercial uses to the east. South of the site, on the south side of 21st Street, is GO zoning and a medical office building. West of the site is B and GO zoning with a church and an apartment complex. If the request is limited to the proposed conditions, a neighborhood scale nightclub buffered from single-family residences could be compatible with the surrounding neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC subject to the development standards contained in DP-18. Uses permitted on the site are: shopping center, department store, restaurant, offices and other similar uses permitted in LC zoning. The site could continue to be used under the current zoning and CUP restrictions.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Currently the sale of alcoholic beverages is limited by its DE-R status; approval of this request would remove this limitation. The requested CUP amendment would generate traffic at later hours than the current restaurant use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan designates this site as appropriate for local commercial uses, defined as commercial uses that do not have a significant regional market draw. The site is within the adopted *21st Street North Corridor Redevelopment Plan*. The *21st Street North Corridor Redevelopment Plan* designates this shopping center as a "Commercial Mixed" area, which would encourage retail, office and restaurant uses mixed with medium density residential. The Comprehensive Plan has an objective to minimize detrimental impacts of higher intensity land uses located near residential living environments (p. 12, Land Use-Residential Objective II. B). Strategy II.B3 states that there is a need to evaluate the effectiveness of regulations aimed at reducing or preventing the detrimental impacts of land uses that produce excessive odors, noise or safety hazards upon residential areas.
5. Impact of the proposed development on community facilities: The proposed CUP amendment could result in an increased demand for police services. The proposed CUP amendment could also result in increased traffic demand at later hours.

JESS MCNEELY, Planning Staff presented the Staff Report. He reported that DAB VI recommended unanimous approval of the application; however, one neighbor spoke against the request. He added that the owners of the apartment complex were also against the request, but several neighborhood associations and businesses were in favor of the request. He reminded the Commission that any CUP amendment runs with the land.

MILLER STEVENS asked about the church to the west and if it was within 200 feet of the site.

MCNEELY commented that the church is zoned General Office because of an application for a day-care center approved several years ago and clarified that it is within 200 feet of the CUP.

RUSS EWY, BAUGHMAN COMPANY, AGENT FOR THE APPLICANT said the applicant was also present to answer any questions. He referred the Commission to the agenda, which included a letter of support from the Church. He commented that he would wait for rebuttal to address any concerns. He also mentioned that this application received unanimous support from DAB VI. He added that there were a number of fundamental differences between this application and the application that was denied in 2004 including scale of use, as well as being tied into another business use. He mentioned issues touched upon at the DAB meeting including the new proposed code changes concerning regulating and enforcement at night clubs. He said his client has a working relationship with the Wichita Police Department (WPD) and that the beat officer actually spoke on behalf of the applicant at the DAB meeting. He mentioned security both inside and outside the nightclub and how the new regulations were a very structured system, with greater penalties that they will go a long way to teaching club owners how to manage property and preserve neighborhood peace.

MILLER STEVENS commented that the ordinance **EWY** referred to has not been passed so the applicant would not fall under the provisions of that ordinance.

EWY said that was correct.

BRANDY ALCORN, REPRESENTING PACIFIC PROPERTIES said they have a multi-family housing property directly across the street from this location consisting of 230 multi-family units, in addition to 293 units at Twin Lakes Apartments located less than one mile from this location. She referred Commission members to several pictures she took earlier today of the wall behind the shopping center where the club is being proposed, which was covered with graffiti. She commented that it was obvious from the pictures that the area has never been taken care of by the property owner. She said the pictures just demonstrate some of the challenges they already face in the neighborhood with graffiti. She mentioned one of the letters of support that said they were comfortable that the applicant would be able to provide security to control 300 people and mentioned that there was not enough control with the other nightclub that had been located there. She said they are very concerned about keeping a nice neighborhood for their residents. She said unfortunately, they did not find out about the application until yesterday. She said they will be submitting a petition within 14 days with numerous names who want to be involved in not letting this happen. She concluded by mentioning that the church, named Breakthrough Ministries, was geared towards drug and alcohol rehabilitation and she wondered about a bar being located across the street. She also mentioned that there was a bus station located in the same building as the proposed nightclub and that was also a concern.

DELORA DONAVON, 559 FARRELL DRIVE, PRESIDENT, NORTH RIVERSIDE NEIGHBORHOOD ASSOCIATION said they have been having dialogue with the applicant for several months concerning the proposal. She said this has been discussed at neighborhood and DAB meetings, which are open for everyone to go to. She said from her standpoint and her discussions with the applicant, she would like to see this higher class club opened in the neighborhood rather than to wait for the next person to open a "hip hop" joint. She commented that there was graffiti in Minisa Park, along the bike path and other areas and she doesn't think graffiti has anything to do with the applicant's proposal for a nightclub.

HANK BLASE, 2302 NORTH HOOD said he has an office across the street to the East of the application area. He said at the DAB meeting there was concern that the sign required to be placed at the proposed location was initially placed but then removed from the site and never replaced and that the sign had not been up for the required period of time. He said the sign was never replaced so there has been a lack of information going to the neighborhood for people who are concerned and want to come forward and express their opinion. He said the regulation about nightclubs that was mentioned is a proposed

regulation that has not gone into effect yet, and therefore, has no control over anything. He referred to the comments from the North Riverside Association representative and said it was interesting to note the comments of the President of the North Riverside Association in 2004, Rosalee Bradley, which specifically referred to overconsumption of alcohol and consumption of alcohol outside the building at the Latino Boom. He said she also mentioned excessive loud noise, trash in the neighborhood, and damage to cars and properties as patrons from the club cut through the neighborhood. He commented that zoning changes go with the property and not with the client, and once the zone change is granted; there is nothing anyone can do to prevent this from becoming another Latino Boom.

He mentioned the letters attached to the Staff Report commenting on what a good operator the applicant is. He asked what happens when this owner leaves and a hip hop joint comes in. He said there is no control and that there should be some. He commented that 2004 statistics provided by the WPD showed that there were 54 WPD reports in an 18-month period at the location. He said the past four years have been a period of peace and tranquility in the neighborhood. He said his point is that the recommendation for approval of this application has been based on this applicant, not the property or the impact it will have on the neighborhood for all time. He said no one has found that this will improve the neighborhood. He said the Commission has the ability to make the recommendation that the applicable laws be changed to allow amendments to CUP's to authorize uses based on the conduct and character of the applicant rather than just the property site. He said that way, a new operator and their track record would come under scrutiny. He said the Commission could at least impose a condition on the application and approval of the amendment that will revoke the amendment in case that say "*X number of WPD reports occur in Y amount of time.*" He asked for something that will retain some kind of control over what happens as a result of the operation. He concluded by saying that dance clubs and night clubs are not allowed within 200 feet of residential areas for a good reason; to protect the neighborhoods. He asked the Commission to protect and strengthen the neighborhood.

RUSS EWY, BAUGHMAN COMPANY said property owners within a 500-foot radius of the property were notified of the proposal and added that over 90 property owners were sent notices so he does not believe that inadequate notices were given on the project. He also stated that he thought it was unfair to tie graffiti in the neighborhood to a particular land use. He added that the implication of increased gang activity and vandalism is also a little unfair. He said Planning Staff did see the sign posted at the location. Referring to the past comments of the former North Riverside Association President and how they reflect on the current application, he said it shows how people can be objective and can change their mind. He said the proposed land use under the umbrella of zoning is harmonious with surrounding land and will be a good asset to the neighborhood in general. He concluded by mentioning the support of the WPD and stated that **MR. QUIROZ** was present to answer any questions on how he has integrated his club plan with the WPD.

MITCHELL asked if the restaurant at the location serves liquor today.

EWY said yes.

HILLMAN asked if it were possible to tie a conditional use to the conduct and character of the operator; the number of WPD reports of problems in the area; or some other tie that might go with the operator, so if a sale were to take place or something change, the approval process would automatically be negated.

JOE ALLEN LANG, CITY LAW DEPARTMENT commented that the application is being presented as a CUP amendment rather than a conditional use permit. He said with a conditional use permit the time could be limited, or it could be reviewed upon certain events; however, that is not normally done with a CUP or other zoning, which is based on land use. He said he thought something could be crafted that would require review; but he believes that needs to be done in the context of a conditional use application.

HILLMAN asked if that could be done at this meeting or if the Commission needed to move to defer the item, have it reconstructed as a conditional use request and brought back to the MAPC.

DIRECTOR SCHLEGEL said if the Commission wanted to attach that type of condition to an approval of the site, deferral would be needed to give staff time to work with the applicant to come up with some type of standard. He said he doesn't know what the standard might be, but staff would need time to talk to the applicant and his agent.

HILLMAN asked if the applicant would be interested in this alternative and if he would be willing to work with staff to make this happen.

EWY said the applicant has demonstrated his willingness to work with the City and that he would let him address that question. He said with most Conditional uses if any of the terms are found to be in violation, the conditional use is revoked. He said he does not know if a CUP has that same language. He said the question is what would that actually look like and how would those terms be defined. He asked how you draw a fair line with that type of enforcement. He said the proposed code amendments which are currently being written by WPD do spell out penalties. He said he could ask his applicant to take a two-week deferral.

MARIO QUIROZ, 1530 WEST 21ST STREET NORTH said he is trying to run a clean and good place in the area. He said there is graffiti in all the neighborhood area and that big businesses are moving out. He said he has decided to stay and rebuild his neighborhood. He said they opened last April with a cabaret license so they can have different shows and performances for the entire community. He said his restaurant has received recognition (3 out of 4 stars) from the Wichita Eagle. He said he has been in the restaurant business the last eight years and has also been involved with the community. He said he is trying to work with the community and the neighborhood to try to establish a good way of living. He said he doesn't want to make a bar with a bad reputation. He said this is a new era and a new segment and he wants to bring a different atmosphere to his neighborhood and that all he is asking is a chance to have a decent place. He said he has been working with WPD to establish a "best practices" establishment. He concluded by saying that he has the support of the WPD, the surrounding neighborhood associations and the church and that he has done his homework and talked to people and opened doors in support of his project. He added that he has been learning a lot. He offered to answer any questions.

TAPE 1, SIDE 2

HILLMAN asked if he was the sole owner of the facility.

QUIROZ said he and a partner have a corporation and that they also own LeMesa Mexican Restaurant.

HILLMAN asked if he would be willing to work with staff and reform the request into a conditional use and re-apply.

EWY said they wouldn't go so far as to say that. He said that could take up to three more months and creates a whole other class of problems from a zoning procedure standpoint. He said he believes they can get where they need to be through the CUP amendment.

MOTION: To approve subject to staff recommendation.

ANDERSON moved, **MITCHELL** seconded the motion, and it carried (8-1).

FOSTER - No.

MITCHELL said he would like to make a statement on how the proposed changes in zoning and CUP's are being handled. He said he was at the DAB meeting Monday night and pleasantly surprised to hear most of the testimony in favor of the applicant. He said the DAB members voted unanimously to approve, which is very unusual. He said he doesn't want to see zoning cases decided on a popularity contest and that is exactly what went on that night. He said although the outcome was good, that is not the way zoning cases ought to be considered or voted on. He said he would not support any move to make zoning cases specific to the applicant.

MCKAY asked if the applicant would fall under the new ordinance. He asked if the ordinance would be retroactive, or would the applicant be grandfathered in.

LANG said he didn't know the specific answer to that question and said he believes that issue will be addressed when the applicant's license comes up for renewal.

SCOTT KNEBEL, Planning Staff said he has been working with WPD on the licensing ordinance. He said as the ordinance is proposed today, people would be subject to the new requirements when they come in to renew their license.



September 16, 2008

To Whom It May Concern:

We, Butler Community College HALO (Hispanic American Leadership Organization) are writing this letter in support of Mr. Mario Quiroz and his establishment of Fridas Mexican Grill. HALO was established by Butler students for the purpose of improving the community and strengthening student leadership skills. HALO consists of energetic and ambitious Butler students who recognize, develop, and test leadership skills both on campus and in the community. The goals of HALO include: strengthening Latino students, recognition on and off campus, provide and develop leadership and professional opportunities, foster an understanding and appreciation for Latino customs and traditions and form a united fellowship for addressing issues and concerns affecting the Hispanic community.

Our organization strives for success and would not be capable of achieving the goals we have achieved without the support of Butler, the Latino community, and local Latino business owners, such as Mr. Quiroz. Mr. Quiroz, has been a leader in the Latino community, supporting not only our organization but other Latino organizations as well. Mr. Quiroz has repeatedly supported us by allowing us to use his facilities in order to host events. Considering that one of our goals is to create recognition on and off campus of Latino students and to foster an understanding and appreciation for Latino customs and traditions, we greatly appreciate being able to host events in the heart of the Latino community and being able to introduce our customs and traditions to our non-Latino peers.

Mr. Quiroz and his business are a great asset to the Wichita community. Thank you for your time and consideration. If you have any further questions or comments please feel free to contact me at cbravo@butlercc.edu or (316) 304-9236.

Sincerely,

Clever Bravo
President
Butler HALO

Ministerio Rompimiento (Templo De Poder Sinai)

To Whom It May Concern:

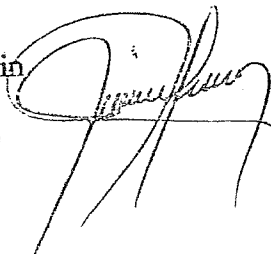
With this letter I would like to grant my ongoing support to Mr. Mario Quiroz and his restaurant Frida's. Mr. Quiroz has demonstrated to be a respectable member of society, who continually supports the Hispanic community by offering his establishment for church and school activities. His success in business has helped in the growth of other Hispanic businesses in our community.

In addition, the restaurants vibrant colors, Mexican artifacts and, most importantly, the artwork of the famous painter Frida contribute to the enrichment of our Hispanic culture. Also, the décor portrays the importance of our culture and traditions, which is especially important to our youth in today's society.

Mr. Quiroz has set a good example in our community, and I believe this is very important in our growing community. Therefore, I once again offer my support to his restaurant Frida's.

Pastor Juan Larin

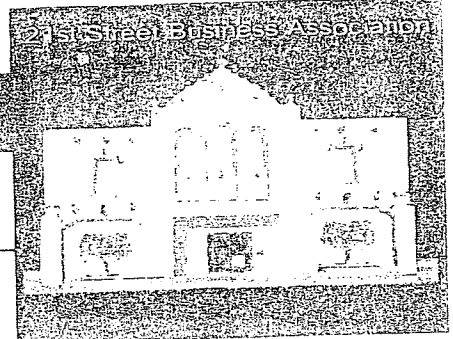
(316) 880-2059



21st St. Business Association

P.O. Box 47,052 Wichita, KS 67201

Representing "EL CORAZON" of the Business
Community of North Central Wichita, Kansas



Sept. 18, 2008

HELLO FRIENDS OF THE COMMUNITY:

We are writing this letter in support of a fellow business association member, Mr. Mario Quiroz, owner of Frida's Mexican Grill, located at 1580 W. 21st St. N., Wichita, KS 67203. Mario exhibits the professional business ethics and vision that we share in our business community. We find his business concepts and vision to be a refreshing encouragement, for our future "NOMAR INTERNATIONAL MARKET" district area. "Frida's" is a more than just another restaurant/cantina, because it is themed around the arts. The restaurant was named after Frida Kahalo, a very famous artist from Mexico, known for her very avante-garde impressionistic paintings. Frida was married to Diego Rivera, a famous muralist, who was highly sought after by American industrialists and Public Works Departments. Copies of this couple's famous artistry can be found at the restaurant.

Mr. Quiroz has amazingly been able to bring in a variety of interesting musicians, ranging from jazz, and saxaphonists, to the traditional mariachi and cowboy (ranchero) groups! This range of artistry adds to the diversity, and up-scale appeal that the "NOMAR" business district leaders wish to achieve.

We appreciate the cooperative and friendly attitude demonstrated by Mr. Quiroz, and heartily extend a big "Welcome/ Bienvenidos" to Mr. Quiroz, and best wishes for his continued success in this important business endeavor.

Sincerely,

Sharon Stauth, Secretary - 21st St.
Business Association, &
Public Accountant

OFFICERS OF 21ST ST. BUSINESS ASSOCIATION

President: Ron Cruz
Cell # 316-204-0445

Secretary: Ken Thomas
Treasurer: Sharon Stauth

Vice-Presidents:
East Side: Bob Alford
Central: Dick Glenn
West Side: Jim Basham

NORTH RIVERSIDE NEIGHBORHOOD ASSOCIATION
(boundaries include Little and Big Arkansas River
13th St. north to 21st St.)

September 26, 2008

To whom it May Concern:

It was my pleasure to meet with Mr. Mario Quiroz, owner of Frida's Mexican Grill, located at 1580 W. 21st St N., Wichita, KS. He shared his dream of operating an up-scale club at this location where people could meet to enjoy good music in a safe environment, visit with friends and perhaps dance a little. His targets audience will be college age people and others who are interested in improving the image of the Hispanic population here in Wichita. Mr. Quiroz had gone to the expense of installing audio/visual equipment that can be used for business presentations, closed circuit TV games, and etc. He assures us that he has adequate security to control a crowd of 300, which is the capacity of his building.

The North Riverside Neighborhood Association Board met to discuss Mr. Quiroz's project and after careful consideration, we wish to add our support to him for opening and operating a club on 21st St.. We are also in support of his being awarded a dancing permit so he can operate his business in accordance with the city ordinances.

Sincerely,

D. Donovan President
Claire Winkler Treas.
Sharon Powell Quincy

ASOCIACIÓN DE VECINOS
EL PUEBLO
NEIGHBORHOOD ASSOCIATION
2105 N. BROADWAY, WICHITA, KS 67214

Phone: 316-267-6359
Fax: 316-267-6354
Email: guero7@cox.net

September 25, 2008

We are writing this letter in support of Mr. Mario Quiroz, owner of Frida's Mexican Grill, located at 1580 W. 21st St. N., Wichita, KS 67203. We appreciate the cooperation and friendliness of this business to the El Pueblo Neighborhood Association and community. "Frida's" has opened their doors to various community organizations, and has allowed us to hold meetings there, free of charge and interference.

The esthetics of the restaurant, in its humble beginnings, are that of appreciation and education of the cultural arts. The restaurant was named after Frida Kahlo, a very famous artist from Mexico, wife of Diego Rivera, a muralist. The restaurant walls are hung with some copies of their works. Mr. Quiroz also has brought in a variety of musicians, such as saxophonists, which adds to the diversity and appeal of our community.

The back part of the building has a large space available for social events and other activities which is widely accepted in our predominantly Hispanic and Catholic community. We know that Mr. Quiroz runs a clean business, provides for tight security, and demonstrates a sensitivity to community needs.

We appreciate the fact that Mr. Quiroz has attended our community meetings and has made himself available and accountable to our large neighborhood of residents and other business, along the west 21st St. N. corridor.

El Pueblo Neighborhood Association is in favor of Frida's Mexican Grill in getting a conditional use to the community unity plan and extends a big welcome to Mr. Quiroz with best wishes for success in his business.

Thank you for your time and attention.

Sincerely,
Alejandro Calderon

Alejandro Calderon, President
(316) 640-5387—Cell
guero7@cox.net

Neighborhood diversity is power/ La diversidad en el vecindario es poder



WEIGAND-OMEGA MANAGEMENT, INC.

February 4, 2009

Re: DP18 Amendment #3, CUP2008-52

Dear Mayor Brewer and Council Members,

I am the District Manager for Twin Rivers Apartments located at 2305 North Somerset in Wichita. We have become concerned about the current attempt to gain authority to operate a drinking establishment/nightclub in the shopping center located across the street from our apartments. Our concern about the nightclub stems from concern about our residents' safety and quiet enjoyment of their living quarters, as well as, the potential diminution in value of our property.

I just received notice of the MAPC meeting from our corporate office on the day before it was to occur. I also understand the sign required to be posted for 13 days prior to the hearing was only placed, if at all, for a very short period of time. As a result, I was not prepared to fully expound on the reasons why our ownership is opposed to the operation of a nightclub so close to our 230 unit multi-family housing property. Additionally, the allotted time of 5 minutes to address the MAPC is not enough to meaningfully communicate all of our concerns. I did produce pictures of extreme amounts of graffiti located on the wall behind the building that has applied for this amendment. This was discounted because "graffiti is a problem everywhere". I disagree with that because the graffiti was taken from the property of the same owner who is asking to be allowed to operate a nightclub/drinking establishment when clearly the owners cannot properly maintain their property as it is.

In reviewing the information in the staff report on this application and in hearing the statements of the applicant at the MAPC hearing, I began to question why a minister of the church that had an alcohol rehabilitation program across the street from the proposed nightclub location would be in favor of the application. Since his phone number was listed at the bottom of his letter of recommendation, I called him. To my surprise, he told me that he was totally against drinking and the establishment of new nightclubs, and that he did not know that his letter would be used to promote a nightclub. I also learned that he is not currently a Pastor of the church that is across the street from the proposed nightclub. He prepared and signed a letter clarifying his position in opposition any business involved in selling alcohol or operating nightclubs, a copy of which is enclosed.

In reviewing the Minutes of the MAPC meeting, it is reported that one member asked a question about the proximity of the Church to the proposed nightclub location and was advised that it was within 200 feet of the CUP. This question was immediately followed by the agent for the applicant who stated that the MAPC agenda "included a letter of support from the Church." Later, the applicant stated "that he has the support of the WPD, the surrounding neighborhood

Associations and the church. After talking with the WPD North station I was told that their department would not take a public stance on this and that there must have been a misunderstanding.

I then contacted the minister of Breakthrough Ministries (the next door), Rev. Henry Foster, who told me that he opposed the operation of a nightclub across the street from his church and alcohol rehabilitation program. He then signed a formal protest petition stating his opposition to the proposed change in the CUP. He has also assured me that he will make every effort to appear at the City Council meeting on February 10th, 2009 and can clarify that his church never gave their support and that statements to that effect were indeed false.

Also attached to the Staff Report submitted to the MAPC were several letters from neighborhood associations, one of which was the North Riverside Neighborhood Association. We also have an apartment complex near Twin Lakes in North Riverside, and I know the North Riverside association had been vocal in their opposition to a nightclub at the River Bend Shopping Center four years ago. Our Twin Lakes Manager called the Vice President of the association to inquire about their support for the nightclub. He said he had no knowledge of the letter, and certainly is opposed to the new nightclub application. I attended the next meeting of the North Riverside Neighborhood Association held on January 19, 2009, and discussed with them this application. Two of the three persons who signed the letter were at this meeting and one of them said that they had discussed the application at their November, 2008, meeting when Mario Quiroz was present and no one opposed it at that time, so they approved the letter. I should point out that there was no notice of the fact that this nightclub application was going to be discussed at that meeting so interested parties could attend and speak about it. I should further point out that the letter signed by this association was dated September 26, 2008, within the same two week time period of all the dated letters included in the Staff Report. The letter also does not state that the entire association met to discuss the nightclub, only the association Board, of which the Vice President, who had no knowledge of such a meeting, is a member. At the January 19th meeting, I gave any interested person the opportunity to sign a statement indicating their opposition to a nightclub being allowed at the River Bend Shopping Center, and four association members signed such a statement which is also enclosed.

In checking with the Kansas Secretary of State's office, it has been determined that none of the three neighborhood associations signing letters that were attached to the Staff Report were authorized to do business in the State of Kansas at the time each letter was signed and when the letters were presented to the MAPC. The El Pueblo Neighborhood Association's charter was forfeited on September 15, 2008; the 21st Street Business Association's charter was forfeited on July 15, 2008; and the North Riverside Neighborhood Association's charter was forfeited on September 15, 2002.

It appears that the only justification for the support of a nightclub application at this time as opposed to the similar application four years ago is the location of the proposed nightclub within the shopping center. The previous plan called for the nightclub location to be on the east side of the center closer to single family homes, whereas the current plan calls for the nightclub to be on the west side of the center closer to the church and our 230 apartment units. The parking for the current club is at the street across from the church and our apartments, as well as, encompassing the majority of the remaining shopping center parking at the core of the center. The result is that the problems that were identified during the hearings on the application four years ago will now be moved to the other side of the center if this application is approved. The problems are inherent with nightclubs and will not go away. Our concern is not so much what goes on inside the nightclub, but what goes on outside the nightclub. Many of the patrons leaving the club at late hours will be driving the streets through the neighborhood, some in an inebriated condition, some feeling the need to immediately empty their bladder, and, unfortunately, some who will carry their disagreement with another patron into the neighborhood often resulting in fights, gunshots, and sometimes even death. These are some of the reasons nightclubs are not allowed within 200 feet of residential neighborhoods and churches.

There has been no showing in this application of how our neighborhood will be protected from the detrimental effects that will be brought into it by the approval of a nightclub in the River Bend Shopping Center. Nothing has changed in that regard from the application of four years ago. In fact, this application actually makes the situation worse. The application four years ago was for the operation of a nightclub two Saturday nights a month. According to City figures, 18.19% of the neighbors within 200 feet of the application area protested the change. I understand the former application immediately followed about seven years of having a nightclub operating without legal authority at the shopping center, and so the detrimental effects of its operation were fresh in the minds of the neighbors and the City.

This current application requests the operation of a nightclub every night of the month, and has been protested by 63.10% of the neighbors within 200 feet of the application area (the only reason this is not a higher percentage is that one of the large parcels is owned by the same owner as that of the applicant). The current proposed use is much more intense than four years ago, and has almost three and a half times more neighbors protesting than four years ago. I submit to you that the reason for such an increase in neighborhood protests is a result of the neighborhood having experienced the calm and quiet of living without the detrimental effects of the nightclub for the last four years, and they do not want to see that changed now.

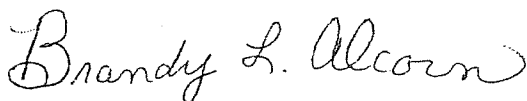
The current Staff Report stated that "this application has generated only one phone call in opposition, possibly demonstrating neighborhood acceptance of this proposal." I did not see any mention in the notice of this application sent to area residents that their opposition should be voiced in the form of a phone call to the planning department. I submit that to indicate that the lack of phone calls in opposition to this application is a misrepresentation to the MAPC of the true

status of the mood of the neighborhood. I also submit to you that the notice that was sent to area residents and land owners was only written in the English language which from my understanding excluded many of them from fully understanding the information that was being disseminated. That is unfair to in an area where many of the residents have limited English proficiency.

In conclusion, it is our opinion that there has been false information distributed to the District Advisory Board and the MAPC in regard to this application that resulted in an incomplete hearing and quite possibly influenced their decision to support the amendment to the River Bend Shopping Center CUP. Additionally, due to the lack of signage indicating zoning matter was being considered at the shopping center, and the English only notice to the neighborhood, it is our opinion that many residents did not get the opportunity to appear and personally relate to these bodies their true feelings about this proposed change, thus preventing these bodies from having complete hearings. We are asking that you deny the request for a CUP amendment to allow a nightclub/drinking establishment at 1580 W. 21st Street based on the basis of the overwhelming number of protests in the area, the misrepresented information, and the failure to post the proper signage for the required amount of time. At the very least if you will not deny this request please hold a public hearing on this application and allow the neighbors to appear before you and tell you of their personal experiences with nightclubs at the shopping center. I understand and appreciate that the council is very busy taking care of our great city and that in the overall picture this is a small issue, however, to those who live in this area the decision you all make concerning this request will have long term effects on their quality of life, their children's quality of life, and all of our property values. Only after hearing their testimonies of the turmoil that this location with the same owner has caused in the past will you truly get a feel for the will of the neighbors and the impact such a nightclub will have on their lives and families.

Thank you for your consideration of these matters.

Regards,

A handwritten signature in cursive script that reads "Brandy L. Alcorn".

Brandy L. Alcorn, ARM
District Residential Manager,
Weigand-Omega Management Inc.
316-263-2215

January 20, 2009

To Whom it May Concern;

As a Christian Community,
we are not in favor of business
that involved alcohol or night clubs.
Our message to the people is to
stop practicing that life style. As
a religious community we do not
support that kind of business.
We do support hispanic business
that are around the city such
like Clothing stores, Restaurants or
any other business that there is
no alcohol involved

Sorry for any misunderstanding
but we do not support any
negative life style.

Sincerely,
Pastor Juan Farin

God Bless You.

01/19/09

To Whom It May Concern:

It has been brought to my attention as a member of the North Riverside Neighborhood Association that there was a letter recently written endorsement given to the City of Wichita Metropolitan Planning commission by our President and two other members concerning their feelings about Mr. Mario Quiroz and the proposed amendment that would allow for a nightclub/drinking establishment at 1570 W. 21st street north, with a capacity of 300 people. By signing this protest letter I am stating that I am part of the North Riverside Neighborhood Association and that I do not agreed to the proposed amendment and protest having a nightclub/drinking establishment at 1570 W. 21st Street north. This is not an appropriate location for a nightclub/drinking establishment and regardless of anyone's personal feelings about Mr. Quiroz should not be allowed in and would be detrimental to this residential neighborhood.

Name

Address

Phone

Melinda Bradwin 1848 N Payne Ave 316-941-9370

Daniel Benson 1848 N Payne Ave 316-941-9370

Barbara H Tabata 1754 N Payne Ave 260 6596

Rosanne Carter 1822 N Porter Ave 351-7326

2 FEB 2009

TO THE CITY COUNCIL OF WICHITA

Dear Council Members:

less than one year ago I moved to 2302 N. Hood which is directly across the street from Frida's. This organization now plans to open a nightclub, this will definitely add noise and congestion to my neighborhood and possibly create an atmosphere for crime.

Since they need approval to change the zoning, please consider the following:

1. weren't there good reasons for restricted zoning in this neighborhood?
2. What do you envision when you think of a nightclub? Would you want to live next to one?
3. After speaking with former residents of this area, I learned that legal or illegal clubs operated in this shopping center several years ago. During that time there was constant noise, public urinations and gunshots.

Please do not lift the restriction!

Sincerely,


PAGE CONNER
2302 N. Hood
WICHITA, KS 67204

LAW OFFICES OF BLASE & BLASE

Attorneys at Law
2302 North Hood
Wichita, Kansas 67204
Tel: (316) 993-7733

HENRY H. BLASE

ALBERT H. BLASE (1907 - 1988)
ROBERT E. BLASE (1909 - 1988)

February 4, 2009

Mayor Brewer and City Council Members
City of Wichita
455 North Main, 1st Floor
Wichita, KS 67202

Re: CUP2008-52
DP18 Amendment #3

Dear Mayor Brewer and Council Members Fearey,
Gray, Longwell, Schlapp, Skelton, and Williams,

I spoke at the MAPC hearing in opposition to the above referenced CUP amendment. Being mindful of the policy considerations contained in City Council Policy #9, I will limit my comments to new evidence and arguments about the completeness of the prior hearings.

In terms of new evidence, the reason for these comments not being made at the MAPC hearing is the requirement that all comments from interested parties not the applicant be limited to five minutes. With the magnitude of the implications from allowing a nightclub in the River Bend Shopping Center CUP area, it was impossible to convey all information within the five minute time frame.

The first new evidence to the Council is the information that was left out of the Minutes of the MAPC meeting whereat I quoted the comments of Rosalee Bradley, former President of the North Riverside Neighborhood Association, contained in the Minutes of the MAPC meeting hearing the prior nightclub amendment on October 7, 2004. Just before I said, "over consumption of alcohol and consumption of alcohol outside the building . . .", which are reported in the current Minutes, I said, quoting Rosalee Bradley, "my neighborhood has a long history of dealing with fights, gun fights, with people getting killed, disorderly conduct, over consumption . . ." Why would reference to the most egregious conduct be left out of the current Minutes?

At the October 7, 2004, hearing, Gerardo Valenciana played a video he shot from the porch of his house at 2320 North Hood that depicted people urinating in the street and other disorderly conduct as well as the sounds of gunshots. That activity terminated after the illegal nightclub previously operating at the shopping center was shut down over four years ago. The neighborhood does not want it to start up again. Since that video tape is retained in the "permanent record" of the MAPC hearing on the former amendment application, I request that you ask to see it and get a first hand look at what the neighborhood had to suffer when a nightclub operated at the shopping center.

When Emma Jaso re-roofed her house two years ago, she reported to me, the roofers found bullet fragments on her roof that is adjacent to the parking lot to the north of the shopping center. She said that when the nightclub was operating, she could not let small children out of her house in the summertime to play in the yard because of the nightclub activity in the neighborhood. Mrs. Jaso could not attend the DAB meeting since she does not drive at night. Consequently, she calling the planning department to voice her opposition to the nightclub. She told me the from the comments of the planner she spoke with, she understood there would be no use of her going to the MAPC meeting since this application was sure to be approved, and she did not go. She gladly signed a protest petition, and if public comment is allowed at your council meeting, she will definitely appear and impart to you the insight she has gained by living through the prior nightclub experience.

Also in the Minutes of the MAPC hearing on January 22, 2009, it is stated that Jess McNeely reported that at the DAB VI meeting that considered this amendment application, "one neighbor spoke against the request." Jess McNeely was at that DAB meeting. He must have mis-remembered the events of that meeting. I was at that meeting also, and I spoke against the request as did Page Conner, a resident living closest to the proposed nightclub on Hood Street. It is interesting to note also that Terri Dozal, Neighborhood Assistant, District 6, who wrote an Interoffice Memorandum to the MAPC Members, also mis-remembered the speakers at that meeting. She reported that "one member of the public spoke in opposition to the request" without quoting any of the negative points made by the speakers. She then reported that "seven public members spoke in favor of the request" and then listed 5 positive points they made, none of which offered to ameliorate the deleterious effects a nightclub will have on the neighborhood. The memorandum is further misleading by failing to state that two of the "public members" were the agent of the proposed nightclub operator and the proposed nightclub operator. The correct tally of the speakers is that two people who live and work inside the 200 feet protest area spoke against the application, four people who live outside the neighborhood, one of whom lives in Topeka, spoke in favor, and two interested parties, one of whom was paid to speak, spoke in favor of their own application.

The end result of the DAB meeting was that the members were influenced by the alleged support for the application by the Church across the street and the letters from the neighborhood associations. In fact, the Church across the street never ever gave any kind of approval to the application and has signed a protest petition. The letter attempted to be passed off as coming from the Church was signed by a Pastor in another Church who did not know that his letter was being used to promote a nightclub. He has since written a letter stating that he is staunchly opposed to alcohol and nightclubs in any location.

The background information contained in the Staff Report for this application is further misleading in that it states that "in 2004, a different applicant requested an amendment to this same CUP for a drinking establishment and nightclub. . ." It also lists Mario Quiroz as the current applicant. Section V-E.2 and Section V-E.13 each state that the applicant for a CUP and a CUP amendment must be the property owner. Mario Quiroz does not own the subject property. The owner of the property, the applicant, is the same owner who submitted the application in 2004. This is the same owner that allowed an illegal nightclub to operate on his premises for seven years until neighborhood opposition and City action forced it to stop over four years ago. This is the same owner who disrespects the neighborhood by allowing graffiti to adorn the walls of the concrete

block screening wall along almost the entire north property line along 22nd Street between Hood and Somerset. This is the same owner who continues to disrespect the neighborhood by ignoring the requirements of the CUP that state that the length of the property boundary of the parking lot on Hood and Garland Streets be fenced with at least a three foot high fence.

This is the same owner who has apparently subdivided space within the shopping center without the requisite City permits for such reconstruction, as Central Inspection was unable to show me any upon my recent request and appeared to be unaware of the reconstructed space. One of the new spaces now has a lighted sign announcing it as an "Activities Center" in which activities are conducted which appear to be very similar in nature to those suggested to be conducted in the proposed nightclub space. Quite often these activities fill the available parking spaces that the application for the nightclub asserts are allocated to nightclub parking. Where will the Activities Center parking go if the nightclub is approved? Out onto Hood Street or even into the unfenced overflow parking area north of 22nd Street. The City does not appear to have a plan for parking for the Activities Center that allocates a fixed number of parking spaces for the Activities Center use.

Further mis-information conveyed to the DAB and MAPC came from the proposed operator of the proposed nightclub, Mario Quiroz. He stated to the DAB that he had talked to the neighbors. He told the MAPC that "he had the support of the WPD, the surrounding neighborhood associations and the church, and that he has done his homework and talked to people and opened doors in support of his project." First, I am not aware that the WPD would ever be authorized to support any nightclub project, or any other private project for that matter. They may work with an operator to try to improve a bad situation, but I would not go so far as to say they support the project. The fact is, he did not have the support of the Church under any stretch of one's imagination. The neighborhood associations who signed letters apparently did so without advertising any meeting for the purpose of discussing the nightclub and soliciting comments and opinions of actual neighbors. In fact, the person who signed the 21st Street Business Association letter is also the Resident Agent of the El Pueblo Neighborhood Association who also submitted a letter. I have spoken to about twenty residents of the single family houses in the 2300 block of North Hood, and none of them were contacted by Mario Quiroz to inquire as to their views of a nightclub re-opening at the shopping center. Most of them were not even aware that a nightclub was again proposed.

The findings upon which the recommendation in favor of the current application is based are essentially the same as the findings upon which the recommendation opposing the application of four years ago was based. The only real substantive difference is the affirmative statement contained in Finding No. 1, The Zoning, uses and character of the neighborhood, which states:

"If the request is limited to the proposed conditions, a neighborhood scale nightclub buffered from single-family residences could be compatible with the surrounding neighborhood."

Yet this current finding fails to address the compatibility of a nightclub with the adjacent Church that operates an alcohol rehabilitation program less than 75 feet from the proposed nightclub's parking. And, what happens if the nightclub is not compatible with the surrounding neighborhood?

The following language found in Finding No. 2, The suitability of the subject property for the uses

to which it has been restricted, of the former recommendation was omitted from the current one:

“Approval of this request would introduce a more intense use that is not appropriate given the application areas proximity to residences (less than 100 feet) and a church (approximately 300 feet), and the parking for the proposed use (adjacent to single-family homes).”

The more intense proposed use in the current application is still not appropriate given its proximity to the Church (less than 100 feet), multi-family living units (less than 100 feet), and single-family homes (less than 275 feet).

In Finding No. 3, Extent to which removal of the restrictions will detrimentally affect nearby property, the language, “. . .which could lead to a loss of enjoyment and value by surrounding properties” was replaced with “[t]he requested CUP amendment would generate traffic at later hours than the current restaurant use.” Both of these statements are true, and there was no objective reason to omit the language from the former finding.

Finding No. 4, Relative gain to the public health, safety and welfare as compared to the loss of value or the hardship proposed upon the applicant, contained in the Minutes of the hearing of October 7, 2004, was completely omitted from the current findings. That omitted finding stated,

“Denial would presumable (sic) cause the applicant an economic loss while continuing some level of protection for the nearby residences and businesses.”

There has been no reason stated, nor was there any discussion at the MAPC hearing, concerning the reason for the omission of this finding. It is this level of protection for the nearby residences and businesses that the restriction concerning location of a nightclub within 200 feet of the same was intended to provide. How can a decision now be made to withdraw that protection without some consideration of the effect that withdrawal will have on the people it was intended to protect?

While the Staff Report paid lip service to Objective II.B of the Comprehensive Plan in Finding No. 5, Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies, the strategy that states, “there is a need to evaluate the effectiveness of regulations aimed at reducing or preventing the detrimental impacts of land uses that produce excessive odors, noise or safety hazards upon residential areas” was totally ignored. The portion of that strategy of concern to the neighborhood is the noise and safety hazards a nightclub will create. History has shown that nightclubs create those kinds of problems. Information available at the hearing on the former application, in the Public Services section of the Staff Report, showed a total of 54 police calls to respond to incidents occurring at the shopping center in an 18 month period during which a nightclub operated there. Information about recent police reports at the shopping center was conspicuously missing from the same section of the current Staff Report. Why? I submit that such information would have shown a drastic reduction in police activity at the center since the nightclub operation was closed down. It is precisely that relative peace and tranquility that the neighborhood desires to retain, and the MAPC apparently failed to consider.

In regard to arguments about the completeness of the prior hearings, I would re-assert the points

previously made about mis-information that was disseminated to the DAB and MAPC. In addition, the notification process was flawed. Written notices were sent to area residents written in English. However, many area residents are Hispanic and are not bilingual. The sign that is required to be posted on the subject property for 13 days prior to the MAPC hearing was not posted for the required amount of time. The fact that the sign had been missing was brought to the attention of the agent for the proposed nightclub operator at the DAB meeting, and yet the sign was not replaced prior to the MAPC hearing three days later.

One other glaring defect in the completeness of the hearing is the calculation of area of the proposed amendment. The application for amendment calls for an amendment to DP-18, the River Bend Shopping Center Amended Community Unit Plan. DP-18 consists of four identified parcels. The area calculated for the amendment only includes Parcel 1, Parcel 2 and Parcel 3. Parcel 4, consisting of 67,450 square feet, is left out of the calculation. Consequently, that area surrounding Parcel 4 appears to be left out of the notice area. Also, Parcel 4 is not included in the application area and, therefore, is included in the net area to determine the percentage of protest. The result is a lower percentage protest than actually exists. While these erroneous figures do show that 63.10% of property owners within the 200 feet protested, correct figures would place that percentage at over 88% of property owners within 200 feet, and would include Mrs. Jaso whose property is adjacent to Parcel 4.

At the MAPC hearing on January 22, 2009, Commissioner M.S. Mitchell made the statement that "he doesn't want to see zoning cases decided on a popularity contest and that is exactly what went on [at the DAB meeting]." Yet, by the same token, that same popularity contest standard appears to be exactly why the MAPC voted in favor of this application. All of the letters of support for the application specifically refer to Mario Quiroz and his operation of a restaurant, not a nightclub. In fact, if Mario Quiroz has any experience whatsoever operating a nightclub, that information was never conveyed at the DAB meeting or the MAPC hearing. Nor was he ever asked about his nightclub operation experience. I would suspect that he does not have such experience. Yet the only speaker at the MAPC hearing in favor of the application outside of the proposed operator of the nightclub and his agent, was the President of North Riverside Neighborhood Association, who had also signed one of the letters, and she who stated, "... she would like to see this higher class club opened in the neighborhood rather than to wait for the next person to open a 'hip hop' joint." What she evidently fails to understand is that if this application is approved, there is no possible way to stop that "hip hop joint" from operating at the shopping center. Her support of this application, and I suspect the similar support of the other associations, stems from the type of operation Mario Quiroz envisions and has articulated for his nightclub, not the reversion to type of operation that manifested itself in the operation of nightclubs at the shopping center in the past. Yet, there is no condition contained in the recommended approval that would insure that the nightclub operated in this CUP, if approved, be that "high class club".

The limitation imposed in the recommended approval is that the nightclub be attached to and under the same ownership as a restaurant. Such limitation does nothing to insure the character of the nightclub. All that restriction means is that the nightclub is required to maintain separate books from the food sales. That way the food sales, while perhaps only amounting to 10% of the aggregate sales made in the building, would still account for over 50% of the "restaurant" sales so it will still fit within the definition of a "restaurant." The tie to a restaurant does not insure that the

Mayor Brewer and City Council Members
February 4, 2009
Page Six

neighborhood will be free from the detrimental effects that a nightclub historically causes.

So, too, the size limitation does not protect and preserve the neighborhood. All it takes is one person to fire a gun to present a safety issue. I have picked up bullet casings from the parking lot at my building across the street from the former nightclub. I do not want to experience that again for myself or the tenants in the office building. One tenant is a former Sheriff's Deputy who is now a real estate agent who told me he did not feel safe conducting business at night when the nightclub was operating. News reports from five years ago state that 10 people cornered 3 police officers outside the former nightclub resulting in a crowd of 150 people, many of whom were throwing bottles. Two police officers were hospitalized. How does limiting the number of people in the nightclub to 300 protect the neighborhood?

One of the requirements placed on the nightclub in the recommended conditions is that it "shall be responsible to enforce the designated parking area, and shall conform to all other codes and regulations." What happens if it does not do so? What provision is there to rescind the approval for a nightclub in this CUP if the conditions imposed are not followed? Why not impose additional condition(s) that insure the peace and tranquility of the neighborhood? The Wichita-Sedgwick County Uniform Zoning Code at Section V-E.7 and V-E.13 allow the governing body to approve an application with conditions or modifications. If this Council is considering approval of this application, why not impose conditions on the operation of the nightclub, that are applicable regardless of who is actually operating the nightclub, which conditions allow the CUP amendment to be rescinded if the nightclub does not meet the standard. Such conditions would be designed to reduce or prevent the detrimental impacts of a nightclub use that produces excessive noise or safety concerns. There is nothing in the Uniform Zoning Code that would prohibit the imposition of such conditions.

The passage of time has only shown how the neighborhood can improve without a nightclub. It has not shown how the neighborhood has changed to now be suited for a nightclub. A close review of the facts clearly shows that the location of a nightclub anywhere within in the River Bend Shopping Center CUP will be detrimental to the residential and business neighborhood the zoning restrictions were enacted to protect. Zoning runs with the land, not the owner or operator. Please make a decision now to deny this application and protect the character of the neighborhood for the foreseeable future, and not one that will come back to haunt us through untenable living conditions that will result in the deterioration of our neighborhood.

Thank you for your careful attention to this important issue that affects so many people.

Sincerely,

LAW OFFICES OF BLASE & BLASE



Henry H. Blase

HHB/bb

cc: John Schlegel, Director of Planning

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council Members

SUBJECT: SUB 2008-95 -- Plat of Krug South Commercial Addition located on the southwest corner of 21st Street North and 143rd Street East. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

Background: This site, consisting of ten lots on 19.26 acres, is located within Wichita's city limits. A zone change (ZON 2006-44) from SF-5 Single-family Residential to LC Limited Commercial has been approved. The Krug South Community Unit Plan (CUP 2006-45/DP-302) has also been approved for this site. A Notice of Community Unit Plan (CUP) has been submitted identifying the approved CUP and its special conditions for development on this property.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, water, sewer and drainage improvements. In accordance with the CUP approval, a Cross-lot Circulation Agreement has been submitted to assure internal vehicular movement between the lots. Restrictive Covenants to provide for the ownership and maintenance of the proposed reserves have been submitted. A Cross-lot Drainage Agreement has also been submitted.

The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Notice of Community Unit Plan, Certificate of Petitions, Declaration of Cross-lot Circulation Agreement, Restrictive Covenants and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

The ordinance has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

Attachments: Notice of Community Unit Plan
Certificate of Petitions
Restrictive Covenants
Cross-lot Circulation Agreement
Cross-lot Drainage Agreement
Zoning Ordinance



First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-195

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90438 (SOUTH OF 21ST, WEST OF 143RD ST. EAST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90438 (SOUTH OF 21ST, WEST OF 143RD ST. EAST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90438 (south of 21st, west of 143rd St. East).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Ninety-Five Thousand Dollars (\$95,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing water main, such benefit fee to be in the amount of Twenty One Thousand Seven Hundred Eighty-Five Dollars (\$21,785); and distributed on a square foot basis.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

KRUG SOUTH COMMERCIAL ADDITION

Lots 1 through 10, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary

estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-196

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 9, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 468-84611 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 9, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 468-84611 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 9 , Main 14, Four Mile Creek Sewer (south of 21st, west of 143rd St. East) 468-84611.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Sixteen Thousand Dollars (\$116,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Forty-One Thousand Eight Hundred Ninety-Five Dollars (\$41,895); and distributed on a square foot basis.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

KRUG SOUTH COMMERCIAL ADDITION

Lots 1 through 10, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on square foot basis.

In the event all or part of the lots or parcels in the improvement district are re-platted before assessments have been levied, the assessments against the re-platted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6 That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-197

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING STORM WATER SEWER NO. 654 (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 468-84612 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING STORM WATER SEWER NO. 654 (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 468-84612 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve Storm Water Sewer No. 654 (south of 21st, west of 143rd St. East) 468-84612.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Two Hundred Nine Thousand Dollars (\$209,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

KRUG SOUTH COMMERCIAL ADDITION

Lots 1 through 10, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis:

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-198

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A RIGHT TURN LANE ON 21ST STREET FOR EAST-BOUND TRAFFIC (SOUTH OF 21ST, EAST OF 143RD ST. EAST) 472-84635 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING A RIGHT TURN LANE ON 21ST STREET FOR EAST-BOUND TRAFFIC (SOUTH OF 21ST, EAST OF 143RD ST. EAST) 472-84635 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct a right turn lane on 21st Street for east-bound traffic (south of 21st, east of 143rd St. East) 472-84635.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifty-Three Thousand Dollars (\$53,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2007 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

UNPLATTED COMMERCIAL TRACT 1

A tract of land located in the Northeast Quarter of Section 11, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas and being more particularly described as follows:

BEGINNING at a point lying 95.00 feet south of and 75.00 feet west of the Northeast corner of said Northeast Quarter; thence parallel with the east line of said Quarter S00°53'20"E, 155.00 feet; thence S09°25'04"E, 101.12 feet; thence S00°53'20"E, 499.87 feet; thence S88°37'33"W, 1093.19 feet; thence N00°53'20"W, 720.00 feet; thence N53°47'38"E, 122.55 feet to a point lying 60 feet south of the north line of said Quarter; thence parallel with and 60 feet south of said north line N88°37'33"E, 703.06 feet; thence S82°50'42"E, 101.12 feet; thence N88°37'34"E, 155.00 feet; thence S46°07'53"E, 28.16 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 852,909 square feet or 19.58 acres of land, more or less.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the

improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: THE UNPLATTED COMMERCIAL TRACT 1, shall pay 100% of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-199

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A LEFT TURN LANE ON 143RD STREET FOR NORTHBOUND TRAFFIC TO SERVE KRUG SOUTH COMMERCIAL ADDITION (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 472-84827 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING A LEFT TURN LANE ON 143RD STREET FOR NORTHBOUND TRAFFIC TO SERVE KRUG SOUTH COMMERCIAL ADDITION (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 472-84827 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing a left turn lane on 143rd Street for northbound traffic to serve Krug South Commercial Addition (south of 21st, west of 143rd St. East) 472-84827. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Fifty Thousand Dollars (\$50,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

KRUG SOUTH COMMERCIAL ADDITION

Lots 1 through 10, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said

improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-200

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A RIGHT TURN LANE ON 143RD STREET FOR SOUTHBOUND TRAFFIC TO SERVE KRUG SOUTH COMMERCIAL ADDITION (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 472-84828 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING A RIGHT TURN LANE ON 143RD STREET FOR SOUTHBOUND TRAFFIC TO SERVE KRUG SOUTH COMMERCIAL ADDITION (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 472-84828 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing a right turn lane on 143rd Street for southbound traffic to serve Krug South Commercial Addition (south of 21st, west of 143rd St. East) 472-84828. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Sixty Thousand Dollars (\$60,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

KRUG SOUTH COMMERCIAL ADDITION

Lots 1 through 10, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said

improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

ORDINANCE NO. 48-370

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2006-44

Zone change request from SF-5 Single-family Residential to LC Limited Commercial, for property described as:

Lots 1-10, Block 1, and Reserves A and B, Krug South Commercial Addition,

Generally located on the southwest corner of 21st Street North and 143rd Street East.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 21st day of July 2009.

ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council Members

SUBJECT: SUB 2009-04 -- Plat of Blaney Addition located south of 31st Street South and on the west side of Greenwich Road.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of two lots on 10.70 acres, is located within three miles of Wichita's city limits.

Analysis: A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements. County Code Enforcement has approved the use of on-site sewerage facilities. A Restrictive Covenant has been provided regarding the existing lagoon. The applicant has submitted an Outside-the-City Sewer Agreement.

The Metropolitan Area Planning Commission has approved the plat, subject to conditions.

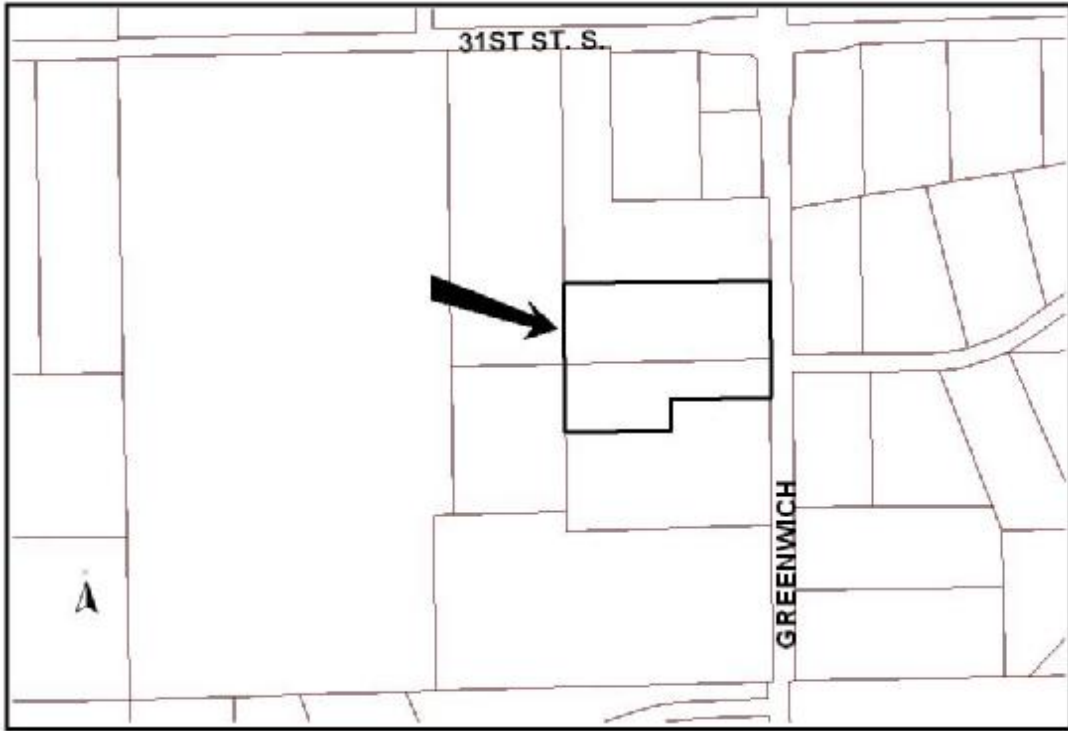
Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petition and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolution.

Attachments: Certificate of Petition
Restrictive Covenant
Outside-the-City Sewer Agreement



First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-201

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 421, FOUR MILE CREEK SEWER (SOUTH OF 31ST ST. SOUTH, WEST OF GREENWICH) 468-84619 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 421, FOUR MILE CREEK SEWER (SOUTH OF 31ST ST. SOUTH, WEST OF GREENWICH) 468-84619 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 421, Four Mile Creek Sewer (south of 31st St. South, west of Greenwich) 468-84619.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for hereof is estimated to be Forty-Two Thousand Dollars (\$42,000), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2009, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Twenty-One Thousand Eight Hundred Thirty-Four Dollars (\$21,834).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

BLANEY ADDITION

Lots 1 and 2, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 and 2, Block 1 BLANEY ADDITION shall each pay ½ of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, the 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

CERTIFICATE

CITY OF WICHITA)
SEDGWICK COUNTY) SS
STATE OF KANSAS)

I, Mary J. Blaney and Phillip L. Blaney, owner of Lot 1 and Lot 2, Block 1, Blaney Addition, Sedgwick County, Kansas, do hereby certify that petitions for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

1. Sanitary Sewer Improvements

As a result of the above-mentioned petitions for improvements, lots or portions thereof within Blaney Addition, Sedgwick County, Kansas may be subject to special assessments assessed thereto for the cost of construction the above-described improvements.

Signed this 11th day of MAY, 2009

Mary J. Blaney
Mary J. Blaney
Phillip L. Blaney
Phillip L. Blaney

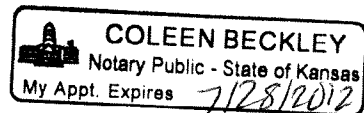
CITY OF WICHITA)
SEDGWICK COUNTY) SS
STATE OF KANSAS)

The foregoing instrument was acknowledged before me this May 11th 2009,
2009.

by Mary + Phillip Blaney

Seal or Stamp

Coleen Beckley
(signature of notary officer)



_____, Notary Public

My appointment expires: 7/28/2012, 20____.

Sub 2009-04

ACKNOWLEDGMENT

STATE OF KANSAS)

) ss:

COUNTY OF SEDGWICK)



BE IT REMEMBERED, that on this 17th day of May, 2009, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Mary J. Blaney and Phillip L. Blaney, who is personally known to be such person who executed the same to be his/her act and deed. **OWNER**

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year written above.


Notary Public

My term expires: 7/28/2012, _____

RESTRICTIVE COVENANT

This agreement is entered into on 11 day of May, 2009.

WHEREAS, Mary J. Blaney and Phillip L. Blaney are the owners of the following described real estate, to wit:

Lot 2, Block 1, Blaney Addition, to Sedgwick County, KS

And

A tract of land in the east half of the northeast quarter of Section 9, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as commencing at the northeast corner of said northeast quarter; thence S00°00'00"W along the east line of said N.E.1/4, 990.86' feet for a point of beginning; thence continuing S00°00'00"W along the east line of said N.E.1/4, 995.10' feet; thence S89°08'23"W parallel to the south line of said northeast quarter, 866.45' feet; thence N00°07'46"W, parallel to the west line of said east half, 995.07' feet; thence N89°08'23"E, parallel to the south line of said northeast quarter, 868.70' feet to the point of beginning; Except the following described tract,

Lots 1 and 2, Block 1, Blaney Addition to Sedgwick County, KS

WHEREAS, the owners will continue to utilize a sewage disposal system on,

Lot 2, Block 1, Blaney Addition to Sedgwick County, Kansas.

To serve the residence located on,

A tract of land in the east half of the northeast quarter of Section 9, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as commencing at the northeast corner of said northeast quarter; thence S00°00'00"W along the east line of said N.E.1/4, 990.86' feet for a point of beginning; thence continuing S00°00'00"W along the east line of said N.E.1/4, 995.10' feet; thence S89°08'23"W

 2009-04

parallel to the south line of said northeast quarter, 866.45' feet; thence N00°07'46"W, parallel to the west line of said east half, 995.07' feet; thence N89°08'23"E, parallel to the south line of said northeast quarter, 868.70' feet to the point of beginning; Except the following described tract,

Lots 1 and 2, Block 1, Blaney Addition to Sedgwick County, Kansas.

NOW THEREFORE, the parties hereto covenant and agree as follows:

1. The parties may continue to utilize the existing wastewater system located on,

Lot 2, Block 1, Blaney Addition,

until such time as the system fails or either one of the parcels changes ownership. At that time a new onsite waster system will be required to be installed with the residence located on,

A tract of land in the east half of the northeast quarter of Section 9, Township 28 South, range 2 east of the Sixth Principal Meridian, Sedgwick County, Kansas, described as commencing at the northeast corner of said northeast quarter; thence S00°00'00"W along the east line of said N.E.1/4, 990.86' feet for a point of beginning; thence continuing S00°00'00"W along the east line of said N.E.1/4, 995.10' feet; thence S89°08'23"W parallel to the south line of said northeast quarter, 866.45' feet; thence N00°07'46"W, parallel to the west line of said east half, 995.07' feet; thence N89°08'23"E, parallel to the south line of said northeast quarter, 868.70' feet to the point of beginning; Except the following described tract,

Lots 1 and 2, Block 1, Blaney Addition to Sedgwick County, Kansas.

2. That this restrictive Covenant shall run with and bind the land, and shall be binding upon the respective parties hereto the survivors of them, their heirs and assigns, and all future property owner(s) for such period of time as the sewage system shall be in existence for the purpose aforesaid.

OWNER(S)

Mary J. Blaney Date 5-11-09
Mary J. Blaney
Phillip I. Blaney Date 5-11-09
Phillip I. Blaney

**APPLICATION FOR SEWER SERVICE
OUTSIDE THE CORPORATE LIMITS OF THE CITY OF WICHITA
AND RELATED PETITION AND CONSENT TO ANNEXATION**

The Governing Body of the City of Wichita, Kansas, this June 29, 2009 approved and files the
(Date)

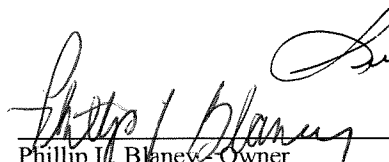
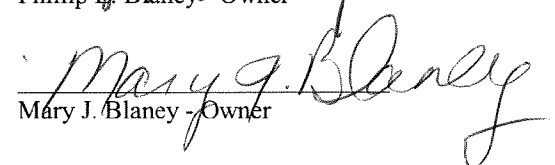
application of Phillip L. and Mary J. Blaney for sewer service to the following property:
(Name of applicant)

Lot 1 and Lot 2, Blaney Addition

The applicant agrees to abide by the established rules and regulations of the Wichita Water and Sewer Department now in force, or which may hereafter be enacted or adopted by said Department of the City of Wichita, Kansas, and to pay for service at the established rate, all in accordance with Section 16 of the Code of the City of Wichita, or as amended. The applicant further agrees to have a drain layer licensed by the City of Wichita acquire a sewer permit and install the service line using City approved materials and installation methods.

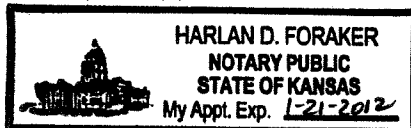
The owners of land covered hereunder do hereby consent to, petition and request the annexation of such lands by the City of Wichita at such time as it determines appropriate (as contemplated in K.S.A. 12-519 et. seq.) Until such time as the annexation occurs, the owners covenant and agree they will not seek incorporation as a separate city nor annexation to any other city of the land, or any part thereof. The foregoing consent to annexation and covenants are hereby made binding on all heirs, successors and assigns and are made a covenant to run with the land and shall not be withdrawn without the consent of the City of Wichita; and in the event such consent is given, said services above may be terminated at the option of the City of Wichita. The undersigned agrees not to transfer title to the above premises or any portion thereof without notifying the purchaser of the existence of this application, but failures of purchasers of above property or any portion thereof to have actual notice of this application shall not diminish or enlarge the rights or obligations imposed hereunder.

The undersigned agrees that upon failure to comply with the terms of this agreement and permit, the covered service may be denied to the property above described and said service may be terminated without notice, all in accordance with the ordinance and regulations of the City. This remedy is in addition to all other legal remedies available to the City to assure full compliance with this agreement and permit.

Sub 2009-04

Phillip L. Blaney - Owner

Mary J. Blaney - Owner

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 29 day of JUNE, 2009, personally appeared before me,
a Notary Public in and for the County and State aforesaid, Phillip L. Blaney and Mary J. Blaney,
personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged
the execution thereof.



A handwritten signature in dark ink, appearing to read "Harlan D. Foraker".

Notary Public

My Appointment Expires: 1-21-2012

SEAL

APPROVED AS TO FORM:

APPROVED BY:

Gary Rebenstorf, Director of Law

David R. Warren, Director
Wichita Water Utilities

John Schlegel, Director of Planning

Jim Armour, City Engineer

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

Agenda Item V-3.

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council Members

SUBJECT: SUB 2009-20 -- Plat of Red Rock Village Addition located east of 135th Street West and on the south side of Pawnee. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

Background: This site, consisting of 43 lots on 11.86 acres, is a replat of Reserves B and C in the Southwest Passage Addition and includes unplatted property. This site is located within Wichita's city limits.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. As requested by Stormwater Engineering, a Cross-lot Drainage Agreement with the property owner to the east has been submitted. A Restrictive Covenant has been submitted to provide four (4) off-street parking spaces per lot that abuts a 32 or 58-foot street. A Restrictive Covenant has also been submitted to provide for the ownership and maintenance of the proposed reserves being platted. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant has been submitted outlining restrictions for lot-owner use of these easements.

The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions, Cross-lot Drainage Agreement and Restrictive Covenants will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

Attachments: Certificate of Petitions
Cross-lot Drainage Agreement
Restrictive Covenants



First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-202

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90441 (EAST OF 135TH ST. WEST, SOUTH OF PAWNEE) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90441 (EAST OF 135TH ST. WEST, SOUTH OF PAWNEE) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90441 (east of 135th St. West, south of Pawnee).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Seventy-Six Thousand Dollars (\$76,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

RED ROCK VILLAGE
Lots 1 through 14, Block 1
Lots 1 through 6, Block 2
Lots 1 through 14, Block 3
Lots 1 through 9, Block 4

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 14, Block 1, Lots 1 through 6, Block 2, Lots 1 through 14, Block 3, Lots 1 through 9, Block 4 RED ROCK VILLAGE shall each pay 1/43 of the total cost of the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-203

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF MAIN 6, COWSKIN INTERCEPTOR SEWER FORCE MAIN (SOUTH OF PAWNEE, WEST OF 119TH ST. WEST) 468-84227 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF MAIN 6, COWSKIN INTERCEPTOR SEWER FORCE MAIN (SOUTH OF PAWNEE, WEST OF 119TH ST. WEST) 468-84227 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. 07-020 adopted on January 9, 2007 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Main 6, Cowskin Interceptor Sewer Force Main (south of Pawnee, west of 119th St. West) 468-84227.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be One Hundred Seventeen Thousand Dollars (\$117,000), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 1, 2009, exclusive of the costs of temporary financing.

That, in accordance with provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of a sanitary sewer main, such benefit fee to be in the amount of Seventy-Eight Thousand Five Hundred Dollars (\$78,500).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SOUTHWEST PASSAGE ADDITION

Lots 1 through 3, Block 1
Lots 1 through 5, Block 2
Lots 1 through 2, Block 3
Lots 1 through 15, Block 4
Lots 1 through 12, Block 5

RED ROCK VILLAGE

Lots 1 through 14, Block 1
Lots 1 through 6, Block 2
Lots 1 through 14, Block 3
Lots 1 through 9, Block 4

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the Benefit District shall be liable shall be on a fractional basis: Lots 1 through 3, Block 1, Lots 1 through 5, Block 2, Lots 1 through 2, Block 3, Lots 1 through 15, Block 4, and Lots 1 through 12, Block 5, SOUTHWEST PASSAGE ADDITION, shall each pay 1/80th of the total cost of the improvement district. Lots 1 through 14, Block 1, Lots 1 through 6, Block 2, Lots 1 through 14, Block 3, Lots 1 through 9, Block 4 RED ROCK VILLAGE shall each pay 1/80th of the total cost of the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-204

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 14, MAIN 6, COWSKIN INTERCEPTOR SEWER, (EAST OF 135TH ST. WEST, SOUTH OF PAWNEE) 468-84615 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 14, MAIN 6, COWSKIN INTERCEPTOR SEWER, (EAST OF 135TH ST. WEST, SOUTH OF PAWNEE) 468-84615 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 14, Main 6, Cowskin Interceptor Sewer, (east of 135th St. West, south of Pawnee) 468-84615.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Eight-Four Thousand Dollars (\$184,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

RED ROCK VILLAGE

Lots 1 through 14, Block 1

Lots 1 through 6, Block 2

Lots 1 through 14, Block 3

Lots 1 through 9, Block 4

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 14, Block 1, Lots 1 through 6, Block 2, Lots 1 through 14, Block 3, Lots 1 through 9, Block 4 RED ROCK VILLAGE shall each pay 1/43 of the total cost

payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-205

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON WHEATLAND/RED ROCK, FROM THE SOUTH LINE OF PAWNEE TO THE EAST END OF RED ROCK AS PLATTED IN SOUTHWEST PASSAGE ADDITION; COWBOY, FROM THE WEST LINE OF WHEATLAND TO THE EAST END OF COWBOY AS PLATTED IN SOUTHWEST PASSAGE ADDITION; STONE VALLEY, FROM THE WEST LINE OF WHEATLAND TO THE EAST LINE OF AN ALLEY; AN ALLEY FROM THE NORTH LINE OF STONE VALLEY TO THE WEST LINE OF WHEATLAND; AN ALLEY FROM THE SOUTH LINE OF STONE VALLEY TO THE WEST LINE OF WHEATLAND/RED ROCK (EAST OF 135TH ST. WEST, SOUTH OF PAWNEE) 472-84835 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON WHEATLAND/RED ROCK, FROM THE SOUTH LINE OF PAWNEE TO THE EAST END OF RED ROCK AS PLATTED IN SOUTHWEST PASSAGE ADDITION; COWBOY, FROM THE WEST LINE OF WHEATLAND TO THE EAST END OF COWBOY AS PLATTED IN SOUTHWEST PASSAGE ADDITION; STONE VALLEY, FROM THE WEST LINE OF WHEATLAND TO THE EAST LINE OF AN ALLEY; AN ALLEY FROM THE NORTH LINE OF STONE VALLEY TO THE WEST LINE OF WHEATLAND; AN ALLEY FROM THE SOUTH LINE OF STONE VALLEY TO THE WEST LINE OF WHEATLAND/RED ROCK (EAST OF 135TH ST. WEST, SOUTH OF PAWNEE) 472-84835 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on Wheatland/Red Rock, from the south line of Pawnee to the east end of Red Rock as platted in Southwest Passage Addition; Cowboy, from the west line of Wheatland to the east end of Cowboy as platted in Southwest Passage Addition; Stone Valley, from the west line of Wheatland to the east line of an Alley; an Alley from the north line of Stone Valley to the west line of Wheatland; an Alley from the south line of Stone Valley to the west line of Wheatland/Red Rock (east of 135th St. West, south of Pawnee) 472-84835.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Three Hundred Fifty-Five Thousand Dollars (\$355,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata of 1 percent per month from and after April 1, 2009.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

RED ROCK VILLAGE

Lots 1 through 14, Block 1

Lots 1 through 6, Block 2

Lots 1 through 14, Block 3

Lots 1 through 9, Block 4

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 14, Block 1, Lots 1 through 6, Block 2, Lots 1 through 14, Block 3, Lots 1 through 9, Block 4 RED ROCK VILLAGE shall each pay 1/43 of the total cost of the improvement district.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

City of Wichita
City Council Meeting
July 14, 2009

To: Mayor and City Council

Subject: A09-07 Request by Billy J. Gray of GKCF, LLC to annex lands generally located south of MacArthur Road and west of Hoover Road. (District IV)

Initiated By: Metropolitan Area Planning Department

Agenda: Planning (Consent)

Recommendation: Approve the annexation request.

Background: The City has received a request to annex 2.35 acres of land generally located south of MacArthur Road and west of Hoover Road. The annexation area abuts the City of Wichita to the north, south, and west of the property. The annexation area is unplatted; however, the owner anticipates platting the property with six (6) residential lots for the development of duplexes.

Analysis:

Land Use and Zoning: The annexation area consists of approximately 2.35 acres zoned “LC” Limited Commercial and is undeveloped. The adjacent property to the north is zoned “LC” Limited Commercial and is developed with a convenience store. The adjacent properties to the south are zoned “LC” Limited Commercial and are undeveloped. The adjacent property to the east is zoned “LC” Limited Commercial and is developed with a farm house and several agricultural buildings. The adjacent properties to the west are zoned “LC” Limited Commercial and are developed with a medical office and duplexes.

Public Services: Sanitary sewer is available to serve the subject property from an 8-inch main that terminates at the northwest corner of the property. As a condition of platting, the property owner will be required to pay a fee in lieu of assessment in order to connect to sanitary sewer. Water is available to serve the subject property from an 8-inch main that runs along the western boundary of the property.

Street System: The subject property has access to MacArthur Road, a two-lane arterial, Hoover Road, a two-lane arterial, and Gilda, a local street. The location of any access drives to and any necessary additional right-of-way for the arterial streets will be established through the platting process.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Fire Station No. 12 at 3443 S. Meridian is the nearest fire station to the site, and it can provide services to the site within a 7-8 minute approximate response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Alice Wall Memorial Park located approximately three-quarters of a mile southeast of the subject properties at 4506 S. Doris Street is the nearest park. Alice Wall Memorial Park is a 12.5 acre neighborhood park that is currently undeveloped. According to the Parks, Recreation and Open Space Plan, adopted on January 6, 2009, proposed pathways have been identified east of the subject property along the Big Ditch corridor and west of the subject property along the Cowskin Creek corridor and a proposed park target area has been identified west of the subject property.

School District: The annexation property is part of the Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the Wichita 2030 Urban Growth Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$206,000 with a total assessed value of \$24,720. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$790 in City annual property tax revenues for the property upon annexation. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating approximately six (6) duplex units within the next four (4) years. The total appraised value of the residential development after completion is estimated at \$1,332,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$4,900 in City annual tax revenues.

Goal Impact: Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, *et seq.*

Recommendations/Actions: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

Attachment: Map Sheet
Ordinance

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location:

South of MacArthur Road and west of Hoover Road – District IV

Address: N/A		Reason(s) for Annexation:	
2.35	Area in Acres	X	Request
0	Existing population (est.)		Unilateral
0	Existing dwelling units		Island
0	Existing industrial/commercial units		Other:
Existing zoning:		"LC" Limited Commercial	



WICHITA

SEDGWICK COUNTY

A09-07



Software: ArcGIS
Map Data Source: City of Wichita
Gedwack County
Prepared: 2/20/09
It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no intention and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed.
Note: Public property represented on this map is not intended to be inclusive.

OCA150004

PUBLISHED IN THE WICHITA EAGLE ON July 24, 2009

ORDINANCE NO. 48-371

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.
(A09-07)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District IV respectively:

That part of the NE1/4 of Section 15, T28S, R1W of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said NE1/4; thence west along the north line of said NE1/4, 362.00 feet; thence south parallel with the east line of said NE1/4, 360.00 feet; thence east parallel with the north line of said NE1/4, 362.00 feet to a point on the east line of said NE1/4; thence north along the east line of said NE1/4, 360.00 feet to the point of beginning, EXCEPT for that part designated as MacArthur Road, AND EXCEPT for that part designated as Hoover Road.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this July 21, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Petition for Sanitary Sewer in West Towne Industrial 2nd Addition (east of Hoover, south of Kellogg) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new petition.

Background: On February 24, 2009, the City Council approved a petition to construct a sanitary sewer system for West Towne Industrial 2nd Addition. The developer has submitted a new petition to add a main benefit fee to the petition budget. The signature on the petition represents 100% of the improvement district.

Analysis: The project will provide sanitary sewer service for an industrial development located east of Hoover, south of Kellogg.

Financial Considerations: The existing petition totals \$19,000. The new petition totals \$38,515. The funding source is special assessments.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing sanitary sewer service required for new industrial development.

Legal Considerations: State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendations/Actions: It is recommended that the City Council approve the new petition, adopt the resolution and authorize the necessary signatures.

Attachments: Map, CIP sheet, petition and resolution.

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-206

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 531, SOUTHWEST INTERCEPTOR SEWER (EAST OF HOOVER, SOUTH OF KELLOGG) 468-84578 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 531, SOUTHWEST INTERCEPTOR SEWER (EAST OF HOOVER, SOUTH OF KELLOGG) 468-84578 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 09-046 adopted on February 24, 2009 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 531, Southwest Interceptor Sewer (east of Hoover, south of Kellogg) 468-84578.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Nineteen Thousand Dollars (\$19,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009 exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Nineteen Thousand Five Hundred Fifteen Dollars (\$19,515).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

WEST TOWNE INDUSTRIAL 2ND ADDITION

Lot 1, Block 1

Lot 2, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 and 2,

Block 1, WEST TOWNE INDUSTRIAL 2ND ADDITION, 1 shall each pay ½ of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

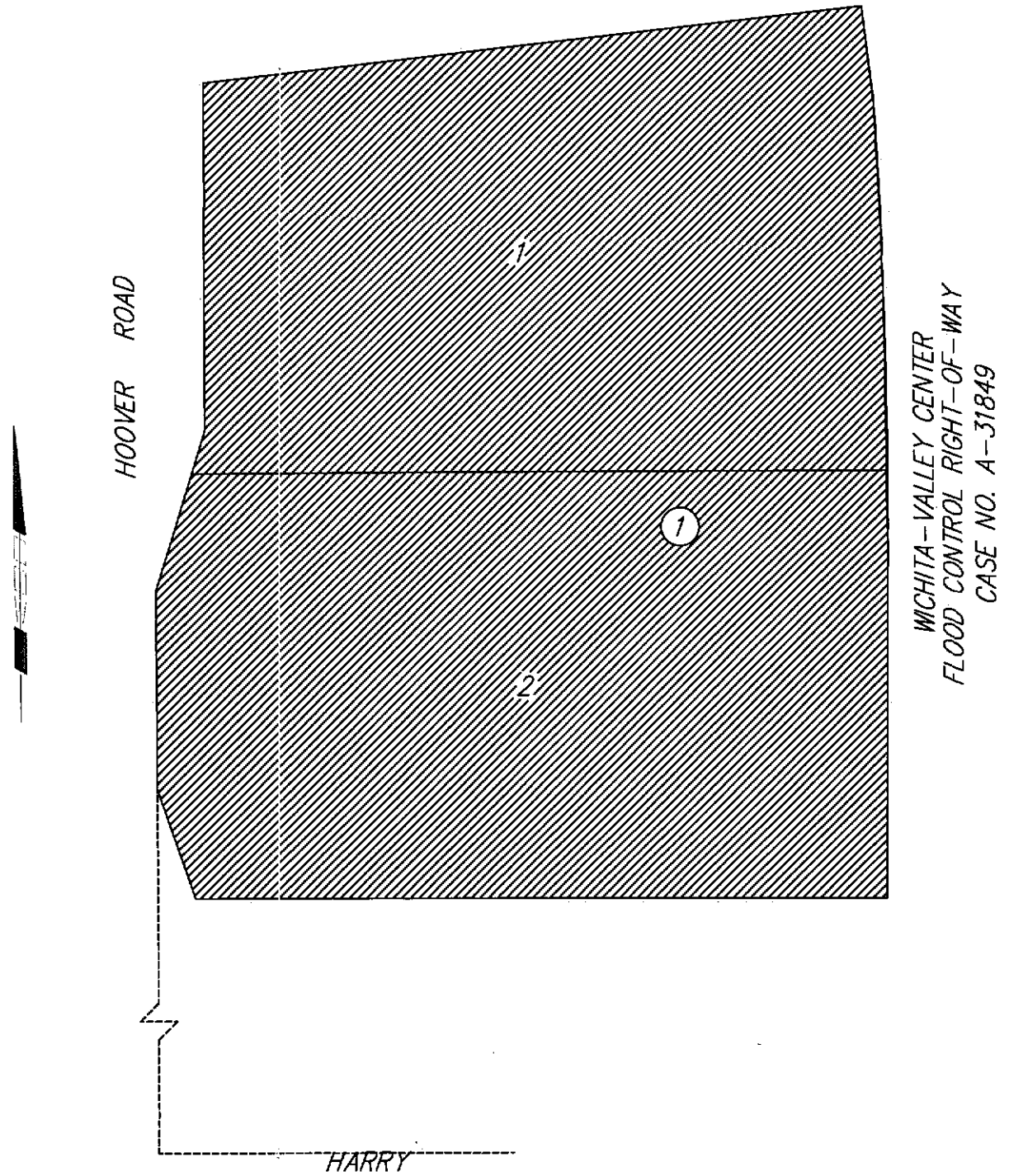
CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

West Towne Industrial 2nd Addition



BENEFIT DISTRICT 
(ACTUAL ALIGNMENT TO BE
DETERMINED BY DESIGN ENGINEER)



CITY OF WICHITA

To Revise Project

	X
--	---

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 6/24/2009	4. Project Description & Location Sanitary Sewer for West Towne Industrial 2nd Addition
5. CIP Project Number NIE-200424	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required	As Required	12A.	
12. Project Cost Estimate			
ITEM	GO	SA	OTHER * TOTAL
Right of Way			
Paving, grading & const.			
Bridge & Culverts			
Drainage			
Sanitary Sewer		\$38,515	\$38,515
Sidewalk			
Water			
Other			
Totals		\$38,515	\$38,515
Total CIP Amount Budgeted			
Total Prelim. Estimate			

Platting Required

Lot Split

Petition

Ordered by WCC

Yes
X

No

Remarks:

100% Petition

* Sanitary Sewer Utility

Lateral 531, SWI

468-84578

Approve the Petition and Adopt the Resolution

Division Head <i>Juan Amador</i>	Department Head <i>C. M. C.</i>	Budget Officer	City Manager
		Date	Date

RECEIVED

FEB 13 '09

SANITARY SEWER PETITION

To the Mayor and City Council
Wichita, Kansas

CITY CLERK OFFICE

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

West Towne Industrial 2nd Addition

Lot 1, Block 1
Lot 2, Block 1

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended:

- 468.84578
- Lateral 531,
SWI
(East of
Hoover,
South of
Kellogg)
- (a) That there be constructed a lateral sanitary sewer to serve the area described above according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas, said lateral sanitary sewer to connect to an existing sanitary sewer main.
- (b) That the estimated and probable cost of the lateral sanitary sewer is Nineteen Thousand Dollars (\$19,000.00) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of one percent per month from and after February 1, 2009.
- (c) That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Nineteen Thousand Five Hundred Fifteen Dollars (\$19,515.00).
- (d) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the lateral sanitary sewer for which the improvement district is liable, plus the benefit fee.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

(d) That the method of assessment of all costs of the lateral sanitary sewer for which the improvement district is liable, plus the benefit fee, shall be on a fractional basis:

(e)

Lots 1 and 2, Block 1, each shall pay $\frac{1}{2}$ of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis:

2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature to form one public improvement project.

(b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 13-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building that may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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West Towne Industrial 2nd Addition

Lots 1 and 2, Block 1

Johnny Stevens 2-9-09

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Steven C. Ruggles
Name

924 N. Main
Address

264-8008
Telephone number

Sworn to and subscribed before me this 13th day of February, 2009.



Deborah Hadlock
Deputy City Clerk

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Petitions for Sanitary Sewer and Water Distribution Systems to serve part of Woodland Hills Addition (north of Central, west of 151st Street West)
(District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the petitions.

Background: The petitions have been signed by owners representing 100% of the improvement districts.

Analysis: The projects will provide sanitary sewer and water service for a residential area located north of Central, west of 151st Street West.

Financial Considerations: The petitions total \$76,000. The funding source is special assessments.

Goal Impact: The projects address the Efficient Infrastructure goal by providing sanitary sewer and water improvements required for a residential development.

Legal Considerations: State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the petitions, adopt the resolutions and authorize the necessary signatures.

Attachments: Map, CIP sheets, petitions and resolutions.

RESOLUTION NO. 09-207

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 4A, NORTHWEST INTERCEPTOR SEWER, (NORTH OF CENTRAL, WEST OF 151ST WEST) 468-84616 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 1, MAIN 4A, NORTHWEST INTERCEPTOR SEWER, (NORTH OF CENTRAL, WEST OF 151ST WEST) 468-84616 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 1, Main 4A, Northwest Interceptor Sewer, (north of Central, west of 151st West) 468-84616.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Forty Thousand Dollars (\$40,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL "A"

Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas EXCEPT that part of said Lot 10 described as follows: Beginning at the NE corner of said Lot 10; thence S00°00'00"W along the east line of said Lot 10, 581.91 feet to a deflection corner in said east line; thence N88°52'41"W along the east line of said Lot 10, 115.00 feet to a deflection corner in said east line; thence N00°00'00"W along the northerly extension of the southerly portion of the east line of said Lot 10, 262.25 feet; thence S90°00'00"W, 50.02 feet to point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence N00°00'00"E parallel with the east line of said Lot 10, 320.00 feet to a point on the north line of said Lot 10; thence S89°06'03"E along the north line of said Lot 10, 165.02 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south

line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL "B"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning.

PARCEL "C"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL 'D'

Lot 9, EXCEPT the east 747.95 feet thereof; together with that part of Lot 10, described as beginning at the northeast corner of said Lot 10; thence S00 °W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262. 25 feet; thence S90°W, 50.00 feet; thence N00°E,

320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning, all in Block A, Woodland Hills Addition, Sedgwick County, Kansas.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL 'A', PARCEL 'B', PARCEL 'C', and PARCEL 'D' shall each pay 1/4 of the total cost of the project.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-208

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90442 (NORTH OF CENTRAL, WEST OF 151ST WEST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90442 (NORTH OF CENTRAL, WEST OF 151ST WEST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90442 (north of Central, west of 151st West).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Thirty-Six Thousand Dollars (\$36,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL "A"

Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas EXCEPT that part of said Lot 10 described as follows: Beginning at the NE corner of said Lot 10; thence S00°00'00"W along the east line of said Lot 10, 581.91 feet to a deflection corner in said east line; thence N88°52'41"W along the east line of said Lot 10, 115.00 feet to a deflection corner in said east line; thence N00°00'00"W along the northerly extension of the southerly portion of the east line of said Lot 10, 262.25 feet; thence S90°00'00"W, 50.02 feet to point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence N00°00'00"E parallel with the east line of said Lot 10, 320.00 feet to a point on the north line of said Lot 10; thence S89°06'03"E along the north line of said Lot 10, 165.02 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc

distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL "B"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning.

PARCEL "C"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL 'D'

Lot 9, EXCEPT the east 747.95 feet thereof; together with that part of Lot 10, described as beginning at the northeast corner of said Lot 10; thence S00 °W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262. 25 feet; thence S90°W, 50.00 feet; thence N00°E, 320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning, all in Block A, Woodland Hills Addition, Sedgwick County, Kansas.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL 'A', PARCEL 'B', PARCEL 'C', and PARCEL 'D' shall each pay 1/4 of the total cost of the project.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

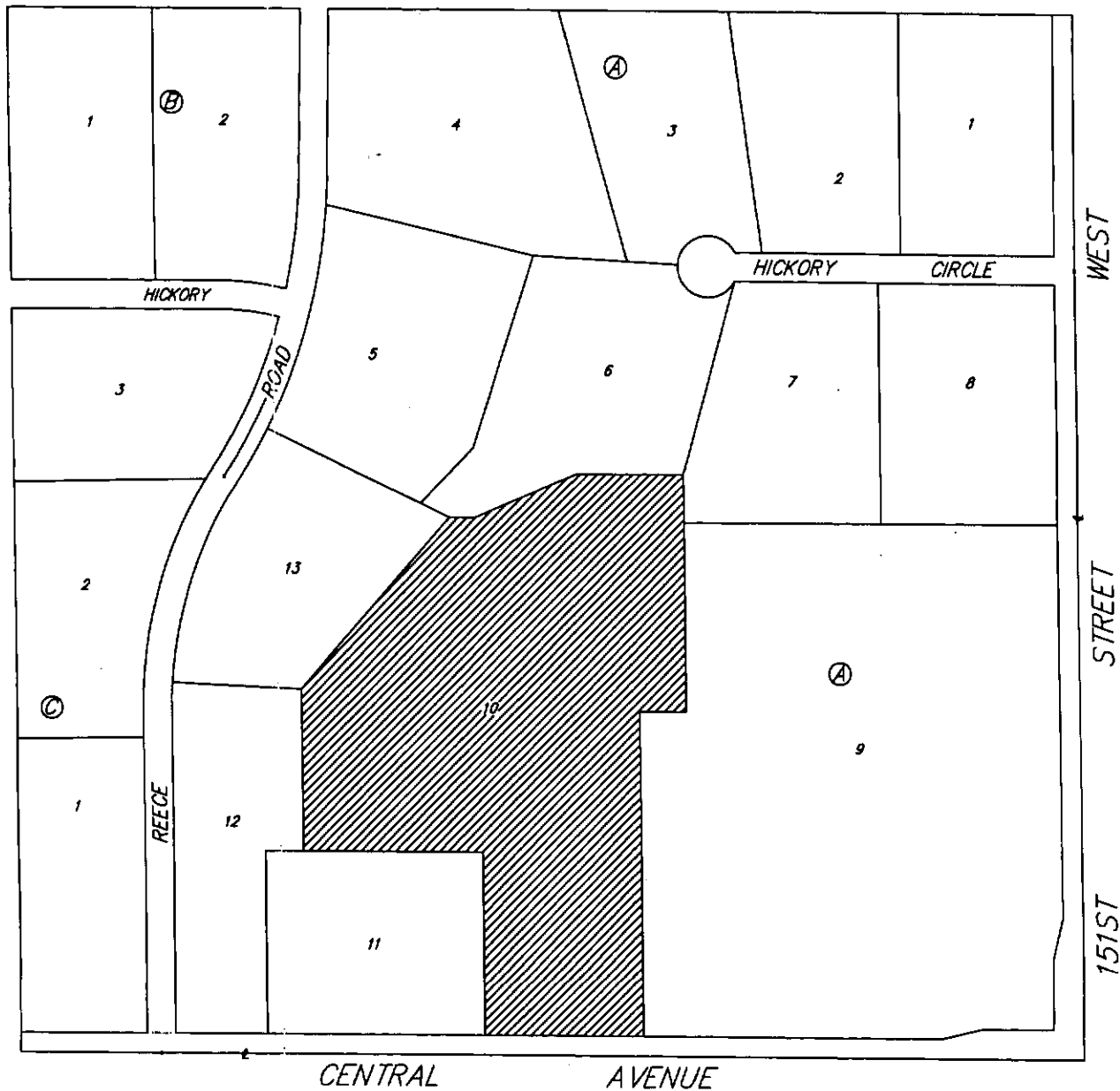
PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

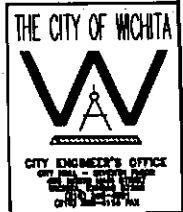
ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

WOODLAND HILLS ADDITION



BENEFIT DISTRICT 
 (ACTUAL ALIGNMENT TO BE
 DETERMINED BY DESIGN ENGINEER)



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

X

To Revise Project

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 6/24/2009	4. Project Description & Location Sanitary Sewer for Lot 10, Block A, Woodland Hills Addition
5. CIP Project Number NL-200424	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required			
12. Project Cost Estimate			
ITEM	GO	SA	OTHER *
Right of Way			
Paving, grading & const.			
Bridge & Culverts			
Drainage			
Sanitary Sewer		\$40,000	\$40,000
Sidewalk			
Water			
Other			
Totals		\$40,000	\$40,000
Total CIP Amount Budgeted			
Total Prelim. Estimate			
13. Recommendation: Approve the Petition and Adopt the Resolution			

Platting Required	Yes	No
Lot Split		
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

* Sanitary Sewer Utility

Lateral 1, Main 4A, NWI

468-84616

Division Head

Department Head

Budget Officer

City Manager

Date

Date

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

1. Prepare in triplicate

USE:

To Initiate Project

X

To Revise Project

3. City Manager to sign all copies.

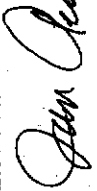

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 6/24/2009	4. Project Description & Location Water Distribution System in Lot 10, Block A, Woodland Hills Addition
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required			
12. Project Cost Estimate			
ITEM	GO	SA	OTHER * TOTAL
Right of Way			
Paving, grading & const.			
Bridge & Culverts			
Drainage			
Sanitary Sewer			
Sidewalk			
Water		\$36,000	\$36,000
Other			
Totals		\$36,000	\$36,000
Total CIP Amount Budgeted			
Total Prelim. Estimate			
Remarks: 100% Petition * Water Utility 448-90442			

13. Recommendation: Approve the Petition and adopt the Resolution

Division Head 	Department Head 	Budget Officer	City Manager
Date	Date	Date	Date

RECEIVED

JUN 08 '09

SANITARY SEWER PETITION

CITY CLERK OFFICE

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of
Lots, Parcels, and Tracts of real property described as follows:

PARCEL "A"

Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas EXCEPT
that part of said Lot 10 described as follows: Beginning at the NE corner of said
Lot 10; thence S00°00'00"W along the east line of said Lot 10, 581.91 feet to a
deflection corner in said east line; thence N88°52'41"W along the east line of
said Lot 10, 115.00 feet to a deflection corner in said east line; thence
N00°00'00"W along the northerly extension of the southerly portion of the east
line of said Lot 10, 262.25 feet; thence S90°00'00"W, 50.02 feet to point 165.00
feet normally distant west of the northerly portion of the east line of said Lot 10;
thence N00°00'00"E parallel with the east line of said Lot 10, 320.00 feet to a
point on the north line of said Lot 10; thence S89°06'03"E along the north line
of said Lot 10, 165.02 feet to the point of beginning, and EXCEPT that part of
said Lot 10 described as follows: Beginning at the SW corner of said Lot 10;
thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a
deflection corner in said west line; thence N88°52'41"W along the west line of
said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W,
38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to
the beginning of a non-tangent curve to the left; thence southeasterly along said
curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc
distance of 156.32 feet, (having a chord length of 155.32 feet bearing
S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the
P.C. of a curve to the right; thence southeasterly and southerly along said
curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc
distance of 66.70 feet, (having a chord length of 64.52 feet bearing
S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a
point on the south line of said Lot 10; thence N88°52'41"W along the south line
of said Lot 10, 193.42 feet to the point of beginning, and EXCEPT that part of
said Lot 10 described as follows: Beginning at the SE corner of said Lot 10;
thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence
N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and
northwesterly along said curve, having a central angle of 50°35'31" and a radius
of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82
feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72
feet to the P.C. of a curve to the right; thence northwesterly along said curve,
having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance
of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the
P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W,
115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet;
thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence
N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10;
thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence

S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL "B"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning.

PARCEL "C"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL 'D'

Lot 9, EXCEPT the east 747.95 feet thereof, together with that part of Lot 10, described as beginning at the northeast corner of said Lot 10; thence S00°W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262.25 feet; thence S90°W, 50.00 feet; thence N00°E, 320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning, all in Block A, Woodland Hills Addition, Sedgwick County, Kansas.

do hereby petition pursuant to the provisions of K.S.A. 12-6a01, et seq., as amended, as follows:

- (a) That there be constructed a sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Forty Thousand Dollars (\$40,000), with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after June 1, 2009.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value. PARCEL 'A', PARCEL 'B', PARCEL 'C', and PARCEL 'D' shall each pay 1/4 of the total cost of the project.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 13-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (a) both a majority of owners of record, and the owners of record of more than half the area liable for assessments outside the corporate limits of the City of Wichita, Kansas, and also (b) either (I) a majority of the resident owners of record or (II) the resident owners of record of more than one-half of the area liable for assessment within the corporate limits of the City of Wichita, Kansas, or (III) the owners of record (whether resident or not) of more than one-half the area liable for assessment within the corporate limits of the City of Wichita, Kansas.

Petitions for projects which are partially within the corporate limits of Wichita shall be commenced only upon a petition found sufficient by the provisions of K.S.A. 12-6a04, except that for the purpose of determining the sufficiency of the signatures to such petitions, only that area which is outside the corporate limits of Wichita shall be considered to constitute the proposed improvement district.

5. The owners of land covered hereunder outside the corporate limits of Wichita do hereby petition, consent to and request annexation of such lands by The City at such time as it determines appropriate (as contemplated in K.S.A. 12-519 et. Seq.). Until such time as the annexation occurs, the owners

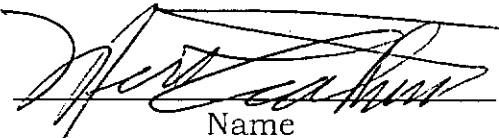
covenant and agree they will not seek incorporation as a separate city nor annexation to any other city, land or any part thereof. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing:

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>PARCEL 'A'</u>		
<u>PARCEL 'B'</u>		
<u>PARCEL 'C'</u>		
<u>PARCEL 'D'</u>		
	By: <u>Kenneth V. Schuldt</u> Kenneth V. Schuldt	6/3/09
	By: <u>Lenora A. Schuldt</u> Lenora A. Schuldt	6/3/09

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and the signatures thereon are the genuine signatures of the persons they support to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the resident owners whose signatures appears on the petition.


Name

Baughman Company, P.A.
315 Ellis, Wichita, KS 67211
Address

262-7271
Telephone No.

Sworn to and subscribed before me this 9th day of June
2009.




Deputy City Clerk

RECEIVED ¹⁸

JUN 08 '09

WATER DISTRIBUTION SYSTEM PETITION

CITY CLERK OFFICE

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

I, We, the undersigned owners of record as below designated, of
Lots, Parcels, and Tracts of real property described as follows:

448-90442

PARCEL "A"

151 St West) of

Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas EXCEPT that part of said Lot 10 described as follows: Beginning at the NE corner of said Lot 10; thence S00°00'00"W along the east line of said Lot 10, 581.91 feet to a deflection corner in said east line; thence N88°52'41"W along the east line of said Lot 10, 115.00 feet to a deflection corner in said east line; thence N00°00'00"W along the northerly extension of the southerly portion of the east line of said Lot 10, 262.25 feet; thence S90°00'00"W, 50.02 feet to point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence N00°00'00"E parallel with the east line of said Lot 10, 320.00 feet to a point on the north line of said Lot 10; thence S89°06'03"E along the north line of said Lot 10, 165.02 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left, thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.67 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence

S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL "B"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 138.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning.

PARCEL "C"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL 'D'

Lot 9, EXCEPT the east 747.95 feet thereof, together with that part of Lot 10, described as beginning at the northeast corner of said Lot 10; thence S00°W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262.25 feet; thence S90°W, 50.00 feet; thence N00°E, 320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning, all in Block A, Woodland Hills Addition, Sedgwick County, Kansas.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Thirty-Six Thousand Dollars (\$36,000), with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after June 1, 2009.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL 'A', PARCEL 'B', PARCEL 'C' and PARCEL 'D' shall each pay 1/4 of the total cost of the project.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (a) both a majority of owners of record, and the owners of record of more than half the area liable for assessments outside the corporate limits of the City of Wichita, Kansas, and also (b) either (I) a majority of the resident owners of record or (II) the resident owners of record of more than one-half of the area liable for assessment within the corporate limits of the City of Wichita, Kansas, or (III) the owners of record (whether resident or not) of more than one-half the area liable for assessment within the corporate limits of the City of Wichita, Kansas.

Petitions for projects which are partially within the corporate limits of Wichita shall be commenced only upon a petition found sufficient by the provisions of K.S.A. 12-6a04, except that for the purpose of determining the sufficiency of the signatures to such petitions, only that area which is outside the corporate limits of Wichita shall be considered to constitute the proposed improvement district.

5. The owners of land covered hereunder outside the corporate limits of Wichita do hereby petition, consent to and request annexation of such lands by The City at such time as it determines appropriate (as contemplated in K.S.A. 12-519 et. Seq.); Until such time as the annexation occurs, the owners covenant and agree they will not seek incorporation as a separate city nor annexation to any other city, land or any part thereof. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

LEGAL DESCRIPTION	SIGNATURE	DATE
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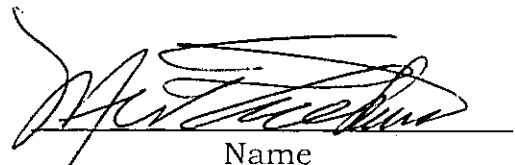
PARCEL 'A'
PARCEL 'B'
PARCEL 'C'
PARCEL 'D'

By: Kenneth V. Schuldt
Kenneth V. Schuldt 6/3/09

By: Lenora A. Schuldt
Lenora A. Schuldt 6/3/09

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and the signatures thereon are the genuine signatures of the persons they support to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the resident owners whose signatures appears on the petition.


Name

Baughman Company, P.A.
315 Ellis, Wichita, KS 67211
Address

262-7271
Telephone No.

Sworn to and subscribed before me this 24th day of June
2009.




Deputy City Clerk

Statements of Cost:

PAVING

- a. Improving a Left Turn Lane on Greenwich Road to provide left turns into the major entrance to the Gateway Center Addition (south of 13th Street North, east of Greenwich). Total Cost - \$20,117.11 (plus idle fund interest - \$431.80, plus temporary note interest - \$351.09). Financing to be issued at this time - \$20,900.00. (766140/472-83094/490-158).
- b. Improving an Accel-decel lane on the west side of Greenwich, and one on the south side of 13th Street North, a turn lane into Greenwich Road to serve Kiser West Addition (south of 13th Street North, west of Greenwich). Total Cost - \$90,585.76 (plus idle fund interest - \$1,976.57, plus temporary note interest - \$1,637.67). Financing to be issued at this time - \$94,200.00. (766141/472-83457/490-159).
- c. Improving 26th Street North and Piatt Circle to serve Power CDC Third Addition (north of 26th Street North, west of Grove). Total Cost - \$390,244.09 (plus idle fund interest - \$2,908.31, plus temporary note interest - \$4,247.60). Financing to be issued at this time - \$397,400.00. (766171/472-83774/490-189).
- d. Improving Hollywood, Hollywood Court, 35th Street South, and Shefford to serve Harvest Ridge Addition (west of Maize, south of 31st Street South). Total Cost - \$566,222.76 (plus idle fund interest - \$5,378.64, plus temporary note interest - \$6,198.60). Financing to be issued at this time - \$577,800.00. (766215/472-83806/490-233).
- e. Improving Harry Street Temporary Frontage Road to serve Auburn Hills 15th Addition (west of 135th Street, north of Kellogg). Total Cost - \$200,862.82 (plus idle fund interest - \$2,547.77, plus temporary note interest - \$5,827.17, less KDOT reimbursement - \$117,037.76). Financing to be issued at this time - \$92,200.00. (765951/472-83962/490-064).
- f. Improving Loch Lomond/Ayesbury to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$556,930.46 (plus idle fund interest - \$11,492.44, plus temporary note interest - \$26,577.10). Financing to be issued at this time - \$595,000.00. (766101/472-84084/490-118).
- g. Improving Marblefalls, Lanners, Saker, and Saker Circle to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside). Total Cost - \$385,233.30 (plus idle fund interest - \$4,635.08, plus temporary note interest - \$6,131.61). Financing to be issued at this time - \$396,000.00. (766170/472-84265/490-188).
- h. Improving Fawnwood, Fawnwood Court, Valley Hi Road, and Valley Hi Circle to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West). Total Cost - \$836,515.45 (plus idle fund interest - \$20,068.18, plus temporary note interest - \$38,816.37). Financing to be issued at this time - \$895,400.00. (765999/472-84291/490-116).
- i. Improving Fawnwood, Hayden, Valley Hi Road, and McCormick Circle to serve Auburn Hills 16th Addition (south of Maple, west of 135th Street West). Total Cost - \$627,684.12 (plus idle fund interest - \$7,489.09, plus temporary note interest - \$7,226.79). Financing to be issued at this time - \$642,400.00. (766172/472-84292/490-190).
- j. Improving Laguna/Glen Wood, Sierra Hills, and Gilbert to serve Country Hollow Addition (south of Kellogg, east of 127th Street East). Total Cost - \$379,198.50 (plus idle fund interest - \$4,465.40, plus temporary note interest - \$4,136.10). Financing to be issued at this time - \$387,800.00. (766206/472-84351/490-224).
- k. Improving Blackstone, Price, and Obsidian to serve Blackstone Addition (north of 13th Street North, east of 151st Street West). Total Cost - \$502,212.64 (plus idle fund interest - \$6,629.84, plus temporary note interest - \$7,157.52). Financing to be issued at this time - \$516,000.00. (766151/472-84397/490-169).
- l. Improving 13th Street North to serve Blackstone Addition and Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$172,535.46 (plus idle fund interest - \$2,562.35, plus temporary note interest - \$3,002.19). Financing to be issued at this time - \$178,100.00. (766160/472-84400/490-178).
- m. Improving Alta from the west line of Hydraulic to a point approximately to the east line of South Pattie Circle to serve Louis 2nd Addition, Louis 3rd Addition, and Louis 4th Addition (south of MacArthur, west of Hydraulic). Total Cost - \$320,989.02 (plus idle fund interest - \$4,123.59, plus temporary note interest - \$3,687.39). Financing to be issued at this time - \$328,800.00. (766159/472-84437/490-177).
- n. Improving Lake Ridge, Lake Ridge Court, Candlewood, and Candlewood Circle to serve Avalon Park 3rd Addition and Avalon Park 4th Addition (north of 37th Street North, east of Tyler). Total Cost - \$461,173.93 (plus idle fund interest -

\$6,214.43, plus temporary note interest - \$8,911.64). Financing to be issued at this time - \$476,300.00. (766153/472-84441/490-171).

- o. Improving 19th Street North and Chateau Parkway to serve Oak Creek 2nd Addition (south of 21st Street North, west of Greenwich Road). Total Cost - \$770,420.56 (plus idle fund interest - \$16,456.29, plus temporary note interest - \$26,723.15). Financing to be issued at this time - \$813,600.00. (766116/472-84449/490-133).
- p. Improving 10th Street North from the east line of St. Paul to the west line of Edwards to serve Park Vista Addition (south of 13th Street, west of McLean). Total Cost - \$163,064.77 (plus idle fund interest - \$2,062.24, plus temporary note interest - \$1,872.99). Financing to be issued at this time - \$167,000.00. (766117/472-84454/490-134).
- q. Improving Manlo, 34th Street North, and Sedgwick to serve Mesa Verde Addition (south of 37th Street North, east of Meridian). Total Cost - \$168,828.04 (plus idle fund interest - \$2,229.84, plus temporary note interest - \$1,942.12). Financing to be issued at this time - \$173,000.00. (766175/472-84481/490-193).
- r. Improving Manlo and 34th Street North to serve Mesa Verde Addition (south of 37th Street North, east of Meridian). Total Cost - \$123,222.80 (plus idle fund interest - \$1,039.40, plus temporary note interest - \$1,337.80). Financing to be issued at this time - \$125,600.00. (766211/472-84482/490-229).
- s. Improving Grand Mere Court adjacent to Lots 9 through 12, Block 1 to serve Belle Terre South 2nd Addition (north of Kellogg, west of 159th Street East). Total Cost - \$48,792.21 (plus idle fund interest - \$1,119.79, plus temporary note interest - \$88.00). Financing to be issued at this time - \$50,000.00. (766135/472-84502/490-153).
- t. Improving 55th Street South, Meadowview, Maywood, Shoffner, and Elmhurst to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton). Total Cost - \$475,528.24 (plus idle fund interest - \$5,557.84, plus temporary note interest - \$6,313.92). Financing to be issued at this time - \$487,400.00. (766154/472-84540/490-172).
- u. Improving Kentucky, Price, Hunters View, Autumn Ridge, and Thoroughbred to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$492,049.91 (plus idle fund interest - \$6,875.22, plus temporary note interest - \$6,974.87). Financing to be issued at this time - \$505,900.00. (766139/472-84544/490-157).
- v. Improving 51st Street North from Meridian to Athenian, to serve HL Warner Addition, HL Warner 2nd Addition, Hull Addition, and an unplatted tract (south of 53rd Street North, east of Meridian). Total Cost - \$244,380.66 (plus idle fund interest - \$3,446.87, plus temporary note interest - \$3,872.47). Financing to be issued at this time - \$251,700.00. (766149/472-84545/490-167).
- w. Improving a traffic signal located on Greenwich approximately 1,030 feet south of 13th Street North to serve The Gateway Center 2nd Addition and Kiser West Addition (at Greenwich, south of 13th). Total Cost - \$130,989.62 (plus idle fund interest - \$2,205.97, plus temporary note interest - \$2,204.41). Financing to be issued at this time - \$135,400.00. (766142/472-84546/490-160).
- x. Improving 51st Street North from Athenian to Delaware to serve Gardiner Acres 1st Addition and an unplatted tract (south of 53rd Street North, east of Meridian). Total Cost - \$246,794.34 (plus idle fund interest - \$3,388.77, plus temporary note interest - \$3,916.89). Financing to be issued at this time - \$254,100.00. (766150/472-84551/490-168).
- y. Improving Cherry Creek and Cherry Creek Court to serve Tara Creek Addition (north of Pawnee, west of 127th Street East). Total Cost - \$175,374.63 (plus idle fund interest - \$2,398.19, plus temporary note interest - \$2,427.18). Financing to be issued at this time - \$180,200.00. (766162/472-84557/490-180).
- z. Improving 43rd Street South from the east line of Dodge Avenue to the west line of Seneca to serve Vilm Gardens 2nd Addition (south of MacArthur, west of Seneca). Total Cost - \$98,628.54 (plus idle fund interest - \$1,289.81, plus temporary note interest - \$1,681.65). Financing to be issued at this time - \$101,600.00. (766156/472-84559/490-174).
- aa. Improving Baehr Street, from Newell to St. Louis to serve Orchard Park Addition (south of Central, west of West Street). Total Cost - \$141,586.87 (plus idle fund interest - \$3,013.13, plus temporary note interest - \$0). Financing to be issued at this time - \$144,600.00. (766157/472-84570/490-175).

- bb. Façade Improvement Program at 571-577 West Douglas to serve West Wichita Addition (south of Douglas, west of McLean). Total Cost - \$147,712.85 (plus idle fund interest - \$3,085.00, plus temporary note interest - \$2,502.15). Financing to be issued at this time - \$153,300.00. (766023/472-84574/491-024).
- cc. Improving Baehr from Newell to Central to serve Orchard Park Addition and D.J. Fisher Addition (south of Central, west of West Street). Total Cost - \$194,162.12 (plus idle fund interest - \$4,037.88, plus temporary note interest - \$0). Financing to be issued at this time - \$198,200.00. (766163/472-84575/490-181).
- dd. Improving Driftwood, Cimarron, Kollmeyer, and Ridgeport to serve Edge Water Addition (south of 45th Street North, west of Hoover). Total Cost - \$1,137,083.29 (plus idle fund interest - \$10,840.32, plus temporary note interest - \$12,976.39). Financing to be issued at this time - \$1,160,900.00. (766176/472-84582/490-194).
- ee. Improving 45th Street North from the east line of Ridge Road, east to the east line of Cimarron to serve Edge Water Addition (south of 45th Street North, west of Hoover). Total Cost - \$303,862.61 (plus idle fund interest - \$4,837.39, plus temporary note interest - \$0). Financing to be issued at this time - \$308,700.00. (766224/472-84587/490-242).
- ff. Improving 45th Street North from the east line of Cimarron east to the west line of Hoover to serve Edge Water Addition (south of 45th Street North, west of Hoover). Total Cost - \$199,434.25 (plus idle fund interest - \$3,165.75, plus temporary note interest - \$0). Financing to be issued at this time - \$202,600.00. (766225/472-84588/490-225).
- gg. Improving Graystone, Terhune, Ridgehurst to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East). Total Cost - \$401,429.42 (plus idle fund interest - \$5,258.08, plus temporary note interest - \$4,612.50). Financing to be issued at this time - \$411,300.00. (765165/472-84591/490-183).
- hh. Improving Ridgehurst to serve Stonebridge 2nd Addition (north of 13th Street North, west of 135th Street East). Total Cost - \$193,398.17 (plus idle fund interest - \$2,199.42, plus temporary note interest - \$2,202.41). Financing to be issued at this time - \$197,800.00. (766164/472-84594/490-182).
- ii. Improving North Liberty, West Hunters View, and West Nantucket to serve Crystal Gardens Addition (north of 13th Street North, east of 135th Street West). Total Cost - \$455,936.39 (plus idle fund interest - \$8,663.61, plus temporary note interest - \$0). Financing to be issued at this time - \$464,600.00. (766220/472-84606/490-238).
- jj. Improving Toben and 40th Street North from 39th Street North to Webb Road to serve Webb Business Park Addition (north of 37th Street North, west of Webb). Total Cost - \$670,632.03 (plus idle fund interest - \$5,465.67, plus temporary note interest - \$7,302.30). Financing to be issued at this time - \$683,400.00. (766197/472-84611/490-215).
- kk. Improving Jeanette Avenue from the north line of the plat, south to and including the temporary cul-de-sac to serve Woodland North Addition (east of Hood, south of 29th Street North). Total Cost - \$151,618.18 (plus idle fund interest - \$3,581.82, plus temporary note interest - \$0). Financing to be issued at this time - \$155,200.00. (766213/472-84649/490-231).
- ll. Improving Cambria/Welsh, Celtic, and Welsh to serve Cambria Addition (east of 143rd Street East, north of Pawnee). Total Cost - \$450,313.24 (plus idle fund interest - \$1,341.41, plus temporary note interest - \$5,045.35). Financing to be issued at this time - \$456,700.00. (766193/472-84650/490-211).
- mm. Improving Woodridge, Woodridge Court, Woodspring, Garnett, and Davin to serve Woods North Addition (south of 29th Street North, west of 127th Street East). Total Cost - \$596,130.32 (plus idle fund interest - \$3,470.38, plus temporary note interest - \$6,399.30). Financing to be issued at this time - \$606,000.00. (766195/472-84651/490-213).
- nn. Improving 127th Street East to serve Woods North Addition (south of 29th Street North, west of 127th Street East). Total Cost - \$74,052.28 (plus idle fund interest - \$1,447.72, plus temporary note interest - \$0). Financing to be issued at this time - \$75,500.00. (766196/472-84653/490-214).
- oo. Improving Goebel Circle from the north line of Pawnee to and including the cul-de-sac to serve Brentwood South 3rd Addition (east of Webb, north of Pawnee). Total Cost - \$222,715.13 (plus idle fund interest - \$2,259.16, plus temporary note interest - \$2,525.71). Financing to be issued at this time - \$227,500.00. (766194/472-84656/490-212).

- pp. Improving a left turn lane on 13th Street North for eastbound traffic into a major entrance to serve Foliage Center and Country Club Park Addition (north of 13th Street North, west of Webb). Total Cost - \$172,485.28 (plus idle fund interest - \$3,514.72, plus temporary note interest - \$0). Financing to be issued at this time - \$176,000.00. (766208/472-84688/490-226).
- qq. Improving a left turn lane on Webb Road for northbound traffic into major entrances to serve Foliage Center Addition (north of 13th Street North, west of Webb). Total Cost - \$167,376.65 (plus idle fund interest - \$1,406.15, plus temporary note interest - \$1,817.20). Financing to be issued at this time - \$170,600.00. (766209/472-84689/490-227).
- rr. Improving Cherry Creek Court to serve Sierra Hills Addition (east of 127th Street East, north of Pawnee). Total Cost - \$200,677.09 (plus idle fund interest - \$2,237.81, plus temporary note interest - \$2,185.10). Financing to be issued at this time - \$205,100.00. (766204/472-84690/490-222).
- ss. Improving Period Street Lighting along Douglas from Dellrose to Glendale to serve Wasson Manor, Lincoln Heights, East Boulevard and East Douglas Additions (Douglas and Oliver Intersection). Total Cost - \$145,050.99 (plus idle fund interest - \$1,298.41, plus temporary note interest - \$1,650.60). Financing to be issued at this time - \$148,000.00. (766214/472-84715/490-232).
- tt. Improving Period Street Lighting along Douglas from Dellrose to approximately half a block west of Dellrose to serve Wasson Manor and American Additions (Douglas and Oliver Intersection). Total Cost - \$11,499.11 (plus idle fund interest - \$100.89, plus temporary note interest - \$0). Financing to be issued at this time - \$11,600.00. (766217/472-84729/490-235).

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council

SUBJECT: Community Events- Wichita Half Marathon (District IV)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events Procedure, the event promoter Clark Ensz, Athletics Wichita is coordinating with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Wichita Half Marathon September 20, 2009 6:00 am – 12:00 pm

- § Nims Street, Stackman to Murdock.
 - § Stackman Blvd., Nims Street to Murdock.
 - § Nims Street, Murdock to River Blvd.
 - § River Blvd, Nims to Faulkner.
 - § Faulkner, River Blvd to Stackman Drive.
 - § Sim Park Drive, Stackman to cutoff west of Cowtown.
- Please see attached map.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: The event sponsor is responsible for all costs associated with special event.

Goal Impact: Enhance the Quality of Life.

Legal Consideration: None.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

[illegible]

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Community Events – All America Street Party (District VI)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events Procedure, the event promoter Jeff Fluhr, Wichita Downtown Development Corporation is coordinating with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

All America City Street Party July 31, 2009 5:00 – 9:00 pm

- § Mead Street, 2nd Street to Moore Street
- § Moore Street, 2nd Street to Mead Street

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: The event sponsor is responsible for all costs associated with special event.

Goal Impact: Enhance the Quality of Life.

Legal Consideration: None.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Community Events – SPECS Sunday Criterium Race
(District IV)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events Procedure, the event promoter Nathaniel Oliphant, SPECS Racing, Inc. is coordinating with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

SPECS Sunday Criterium Race August 2, 2009 7:00 am – 4:00 pm

- West McCormick Avenue, K-42 to Sheridan Drive

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: The event sponsor is responsible for all costs associated with special event.

Goal Impact: Enhance the Quality of Life.

Legal Consideration: None.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (2) Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. XII-6d.

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council

SUBJECT: Street Closure: Washington, between Lewis and English (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the street closure.

Background: On February 3, 2009, the City Council approved a contract with Cornejo & Sons, Inc. to improve the intersection of Washington and Waterman. Part of the work includes installation of a 48" water line that will limit Washington traffic to south bound only at Kellogg for approximately two weeks starting July 20th.

Analysis: Cornejo & Sons, Inc. is responsible for the placement of the required detour and construction signs and barricades. During the closure, north-bound Washington traffic will be directed by message boards on Kellogg to use the Broadway exit. One lane south-bound traffic on Washington will be maintained at all times for access to local businesses.

Financial Consideration: None.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving access to the Intrust Bank Arena.

Legal Consideration: None.

Recommendation/Actions: It is recommended that the City Council approve the street closure.

Attachment: None.

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: KDOT Construction Training Project

INITIATED BY: Human Resources

AGENDA: Consent

Recommendation: Approve continued City participation in a Kansas Department of Transportation (KDOT) Construction Training Project and authorize necessary MOU renewal signatures.

Background: In 2007 the KDOT conducted a needs assessment to determine what services would increase the participation of the total number of minorities, women and disadvantaged individuals in the Federal-aid highway construction industry. As a result of that study the KDOT issued an RFP, and awarded a contract to the Wichita based Kansas School for Effective Learning (KANSEL), Inc. to provide services designed to increase such participation. These services include teaching highway construction industry basic skills, life management skills training, providing transportation and child care, assistance in overcoming employment barriers and one-on-one life coaching.

At its August 5, 2008 meeting the City Council authorized the City's Career Development Office (CDO) to collaborate with KANSEL on the KDOT project. Under a Memorandum of Understanding (MOU) with KANSEL, the CDO acted as an affiliate organization to the KANSEL KDOT Contract and provided group class and individual training services. A recommendation to renew the MOU through the September 30, 2009 KDOT Grant period and to authorize the City's continued participation in the KDOT Construction Training Project, if the grant is continued, is being brought before the City Council.

Analysis: Under this project through June 30, 2009, the CDO has provided services for 81 participants. These services are strengths-based and focus on personal responsibility and accountability, with employment as the goal for each project participant. The CDO is reimbursed for these services at a rate that is based on, and proportional to, rates authorized under the current CDO contract with the Kansas Department of Social and Rehabilitation Services (SRS). The CDO offers these KDOT project services to current program participants, thereby increasing their opportunities to be placed in a pool of trainees for skilled craft worker positions in the construction industry. These are the type of jobs that provide living wages with benefits.

Financial Considerations: City participation in the project will not obligate general fund monies.

Goal Impact: The City's participation in the KDOT Construction Training Project will promote economic vitality and affordable living by providing participants with services designed to promote economic self-sufficiency and independence.

Legal Considerations: The Department of Law reviewed as to form the document to renew the MOU between the City and KANSEL.

Recommendation/Action: It is recommended that the City Council approve the City's continued participation in the KDOT Construction Training Project and authorize the necessary MOU signatures.

Attachments: MOU renewal document

**AMENDMENT TO THE MEMORANDUM OF AGREEMENT
BETWEEN THE KANSAS SCHOOL FOR EFFECTIVE LEARNING, INC.
AND THE CITY OF WICHITA**

THIS MEMORANDUM OF AGREEMENT (MOU) AMENDMENT for the provision of Construction Skills and Life Management (CSLM) Program services is entered into July 1, 2009 by and between the Kansas School for Effective Learning, Inc. (hereinafter referred to as KANSEL) and the City of Wichita, Kansas with services to be provided by its Career Development Office (hereinafter referred to as the CDO).

WITNESSETH THAT:

WHEREAS, on the 30th day of June 2008 the above named entities were parties to an agreement with the caption as set out above; and

WHEREAS, the above named parties now wish to modify and amend said agreement for the purpose of enacting the first renewal option of the agreement under the same terms and conditions of the original agreement for one additional one-year period.

NOW, THEREFORE, the above parties, in order to exercise the first renewal option of the June 30, 2008 agreement and to confirm the original intent of that agreement, listed as Attachment A of this amendment, hereby agree and covenant with each other that effective July 1, 2009 the terms of the agreement are hereby reaffirmed and reexecuted for and on behalf of these parties except for the following amendments, modifications, and changes indicated below.

1. MOU, SECTION V. EFFECTIVE DATE, page 2, is hereby amended to renew the effective date of the agreement from July 1, 2009 through June 30, 2010.

**THE REMAINDER OF THIS PAGE IS LEFT
INTENTIONALLY BLANK**

IN WITNESS WHEREOF, the parties hereto have renewed this agreement effective for the dates written above.

KANSAS SCHOOL FOR EFFECTIVE LEARNING, INC.

Carolyn Bunch, Executive Director

Date

CITY OF WICHITA

Carl Brewer, Mayor

Date

ATTEST:

Karen Sublett, City Clerk

Date

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law

Date

**City of Wichita
City Council Meeting
July 14, 2009**

TO: Mayor and City Council

SUBJECT: Change Order and Petition for auxiliary traffic lanes at Oliver and Orme
(District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

.....

Recommendation: Approve the change order and petition.

Background: On November 18, 2008, the City Council approved a construction contract with Cornejo & Sons, Inc. for Oliver improvements between Harry and Kellogg. The area along Oliver at Orme is currently vacant and being readied for commercial development. The owner of the property has submitted a petition to construct left turn lanes on Orme at Oliver and deceleration lanes on both sides of Oliver, north of Orme. Constructing the left turn and deceleration lanes with the Oliver improvement will eliminate the need to remove new pavement and disrupt traffic at a future date. The signature on the petition represents 100% of the improvement district.

Analysis: A change order has been prepared for the cost of the additional work.

Financial Considerations: The total cost of the additional work is \$160,681 with the total paid by special assessments. The original contract amount is \$5,907,988. This change order represents 2.72% of the original contract amount. The petition budget is \$225,000.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow through an important transportation corridor.

Legal Considerations: The Law Department has approved the change order as to legal form. The change order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the change order, approve the new petition, adopt the resolution and authorize the necessary signatures.

Attachments: Change order, CIP sheet, petition, resolution and map.



PUBLIC WORKS-ENGINEERING

April 30, 2009

CHANGE ORDER

To: Cornejo & Sons, Inc
Change Order No.: 1
Purchase Order No.: 801337
CHARGE TO OCA No.: 766231

Project: Oliver St. from Harry to Kellogg
Project No.: 468-84131
OCA No.: 706993/636207/633805/620520/766231
PPN: 208458/778597/758003/668639/490249

Please perform the following extra work at a cost not to exceed \$160,681.31

The proposed Oliver Retail Center is expected to impact traffic flow at Oliver & Orme St. A traffic study of the area suggest adding left turn lanes to Orme north and south of Oliver will adequately handle the increased flow. Therefore removal, replacement and widening of the intersection will be required as well as additional storm sewer, sidewalk, driveway replacement, and tree removal. All costs associated with these improvements will be special assessed to the developer.

CIP Budget Amount: \$6,345,000.00 (706993)	Original Contract Amt.: \$5,907,987.50
\$ 225,000.00 (766231)	Current CO Amt.: \$52,807.50
Consultant: MKEC	Amt. of Previous CO's: \$0.00
Total Exp. & Encum. To Date: \$0.0 (766231)	Total of All CO's: \$160,681.31
CO Amount: \$160,681.31	% of Orig. Contract / 25% Max.: 2.72%
Unencum. Bal. After CO: \$64,318.69 (766231)	Adjusted Contract Amt.: \$6,068,669.04

Recommended By:

Greg Baalman, P.E.
Construction Engineer

Date

Approved:

Jim Armour, P.E.
City Engineer

Date

Approved:

Contractor

Date

Approved:

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

Gary Rebenstorf
Director of Law

Date

By Order of the City Council:

Carl Brewer
Mayor

Date

Approved:

Benny P. Tarverdi
KDOT Metro Eningeer

Date

Attest: _____
City Clerk

RESOLUTION NO. 09-209

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING LEFT TURN LANES ON ORME, AT THE INTERSECTION OF ORME AND OLIVER STREET. THAT THERE BE CONSTRUCTED DECELERATION LANES INCLUDING A COMMERCIAL DRIVEWAY APPROACH ON BOTH THE EAST AND WEST SIDES OF OLIVER AT A POINT APPROXIMATELY 355 FEET NORTH OF ORME STREET (ALONG OLIVER, SOUTH OF KELLOGG) 472-84823 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING LEFT TURN LANES ON ORME, AT THE INTERSECTION OF ORME AND OLIVER STREET. THAT THERE BE CONSTRUCTED DECELERATION LANES INCLUDING A COMMERCIAL DRIVEWAY APPROACH ON BOTH THE EAST AND WEST SIDES OF OLIVER AT A POINT APPROXIMATELY 355 FEET NORTH OF ORME STREET (ALONG OLIVER, SOUTH OF KELLOGG) 472-84823 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing left turn lanes on Orme, at the intersection of Orme and Oliver Street. That there be constructed deceleration lanes including a commercial driveway approach on both the east and west sides of Oliver at a point approximately 355 feet north of Orme Street (along Oliver, south of Kellogg) 472-84823. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Two Hundred Twenty-Five Thousand Dollars (\$225,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ANN WALENTA ADDITION

Lots 1 and 2, Block A,

Lot 1, Block B

The North 70.00 feet of Lots 1, 2, 3, 4 and 5, EXCEPT that part described as beginning at the northeast corner of said Lot 1; thence S00°00'26"E along the east line of said Lot 1, 59.99 feet; thence N89°59'26"W, parallel with the north line of said Lot 1, 15.00 feet; thence N00°00'26"W, parallel with said east line, 24.99 feet; thence N44°59'56"W, 28.29 feet; thence N89°59'26"W, parallel with said north line, 95.10 feet to the west line of said Lot 5; thence N00°00'26"W along said west line, 15.00 feet to said north line; thence S89°59'26"E along said north line, 130.10 feet to the place of beginning, Kellogg Heights Addition to Wichita, Kansas;

TOGETHER WITH Lot 14, except the north 20 feet, Lots 15, 16, 17, 18, 19, 20, and Lot 21 except the north 23 feet, Block 1, the east 20 feet of Lot 5, Lot 6 except the north 10 feet, together with the east 20 feet of the north 10 feet of Lot 6, Lots 7, 8, 9, 10, 11, 12 and 21, Block 2, Kellogg Heights Addition to Wichita, Kansas;

TOGETHER WITH Vacated Dellrose Avenue from the south line of Lots 1 and 2, Block A, in said Ann Walenta Addition to the north right-of-way line of Orme Street;

TOGETHER WITH The north 72.05 feet of Lot 1, De Witt 2nd Addition, Wichita (Sedgwick County), Kansas;

TOGETHER WITH Vacated Eilerts Street from the east right-of-way line of Oliver to the west right-of-way line of Glendale Avenue.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

X

1. Prepare in triplicate

2. Send original & 2 copies to budget.

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 6/24/2009	4. Project Description & Location Kellogg/Orme turn and deed lanes
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required	As Required		
12. Project Cost Estimate			
ITEM	GO	SA	OTHER * TOTAL
Right of Way			
Paving		\$225,000	\$225,000
Bridge & Culverts			
Drainage			
Sanitary Sewer			
Sidewalk			
Water			
Traffic Signals			
Totals		\$225,000	\$225,000
Total CIP Amount Budgeted			
Total Prelim. Estimate			

Platting Required	Yes	No
Lot Split		
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

472-84823

13. Recommendation: Approve the Petition, change order and Adopt the Resolution

Division Head

Department Head

Budget Officer

City Manager

Date

Date

RECEIVED

FEB 10 '09

PAVING PETITION

To the Mayor and City Council
Wichita, Kansas

CITY CLERK OFFICE

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Lots 1 and 2, Block A, AND Lot 1, Block B, Ann Walenta Addition, Wichita, Sedgwick County, Kansas;

The North 70.00 feet of Lots 1, 2, 3, 4 and 5, EXCEPT that part described as beginning at the northeast corner of said Lot 1; thence S00°00'26"E along the east line of said Lot 1, 59.99 feet; thence N89°59'26"W, parallel with the north line of said Lot 1, 15.00 feet; thence N00°00'26"W, parallel with said east line, 24.99 feet; thence N44°59'56"W, 28.29 feet; thence N89°59'26"W, parallel with said north line, 95.10 feet to the west line of said Lot 5; thence N00°00'26"W along said west line, 15.00 feet to said north line; thence S89°59'26"E along said north line, 130.10 feet to the place of beginning, Kellogg Heights Addition to Wichita, Kansas;

TOGEGHER WITH Lot 14, except the north 20 feet, Lots 15, 16, 17, 18, 19, 20, and Lot 21 except the north 23 feet, Block 1, the east 20 feet of Lot 5, Lot 6 except the north 10 feet, together with the east 20 feet of the north 10 feet of Lot 6, Lots 7, 8, 9, 10, 11, 12 and 21, Block 2, Kellogg Heights Addition to Wichita, Kansas;

TOGETHER WITH Vacated Dellrose Avenue from the south line of Lots 1 and 2, Block A, in said Ann Walenta Addition to the north right-of-way line of Orme Street;

TOGETHER WITH The north 72.05 feet of Lot 1, De Witt 2nd Addition, Wichita (Sedgwick County), Kansas;

TOGETHER WITH Vacated Eilerts Street from the east right-of-way line of Oliver to the west right-of-way line of Glendale Avenue.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

472-84823 (a) That there be constructed left turn lanes on **ORME**, at the intersection of Orme and Oliver Street. That there be constructed **DECELERATION LANES** including a commercial driveway approach on both the east and west sides of **OLIVER** at a point approximately 355 feet north of Orme Street.

(along Oliver,
south of
Kellogg)

That said pavement between aforesaid limits be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas. Drainage and sidewalks are to be installed where necessary.

- (b) That the estimated and probable cost of the foregoing improvement being Two Hundred Twenty Five Thousand Dollars (\$225,000.00), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata of 1 percent per month from and after January 1, 2009.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be calculated on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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Lots 1 and 2, Block A, AND Lot 1, Block B, Ann Walenta Addition, Wichita, Sedgwick County, Kansas;

The North 70.00 feet of Lots 1, 2, 3, 4 and 5, EXCEPT that part described as beginning at the northeast corner of said Lot 1; thence S00°00'26"E along the east line of said Lot 1, 59.99 feet; thence N89°59'26"W, parallel with the north line of said Lot 1, 15.00 feet; thence N00°00'26"W, parallel with said east line, 24.99 feet; thence N44°59'56"W, 28.29 feet; thence N89°59'26"W, parallel with said north line, 95.10 feet to the west line of said Lot 5; thence N00°00'26"W along said west line, 15.00 feet to said north line; thence S89°59'26"E along said north line, 130.10 feet to the place of beginning, Kellogg Heights Addition to Wichita, Kansas;

TOGEGHER WITH Lot 14, except the north 20 feet, Lots 15, 16, 17, 18, 19, 20, and Lot 21 except the north 23 feet, Block 1, the east 20 feet of Lot 5, Lot 6 except the north 10 feet, together with the east 20 feet of the north 10 feet of Lot 6, Lots 7, 8, 9, 10, 11, 12 and 21, Block 2, Kellogg Heights Addition to Wichita, Kansas;


TOGETHER WITH Vacated Dellrose Avenue from the south line of Lots 1 and 2, Block A, in said Ann Walenta Addition to the north right-of-way line of Orme Street;

TOGETHER WITH The north 72.05 feet of Lot 1, De Witt 2nd Addition, Wichita (Sedgwick County), Kansas;

TOGETHER WITH Vacated Eilerts Street from the east right-of-way line of Oliver to the west right-of-way line of Glendale Avenue.

SIGNATURE

DATE

 Jan. 13, 2009
S J Ram, LC

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Chris Blum
Name

924 N. Main
Address

264-8008
Telephone number

Sworn to and subscribed before me this 10th day of February, 2009.



Debra A. Sadlock
Deputy City Clerk

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Change Order: Rocky Creek Relief Sewer (south of 21st Street, east of 127th Street East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the change order.

Background: On July 15, 2008, the City Council approved a construction contract with Wildcat Construction Co., Inc. to construct a sanitary sewer main located south of 21st Street, east of 127th Street East. Several meetings were held with property owners prior to construction in order to limit the extent of tree removal and select a route for the sewer. After construction began, additional meetings with property owners resulted in the alignment being further modified to preserve additional mature trees.

Analysis: A change order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$95,655 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$2,131,030. This change order plus a previous change order represents 4.63% of original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing ongoing expansion of the City's sanitary sewer system.

Legal Considerations: The Law Department has approved the change order as to legal form. The change order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the change order and authorize the necessary signatures.

Attachment: Change order.



June 1, 2009

PUBLIC WORKS-ENGINEERING

CHANGE ORDER

To: Wildcat Construction Co., Inc.

Project: Rocky Creek Relief Sanitary Sewer;
Main 14C, 4MC (south of 21st Street North, east
of 127th Street East)

Change Order No.: 2

Project No.: 468-84218

Purchase Order No.: 800815

OCA No.: 624078

CHARGE TO OCA No.: 624078

PPN: 652532

Please perform the following extra work at a cost not to exceed \$95,655.30

Due to the 21st Street paving-K96 to 159th St. E. (OCA 706973) getting ready to start up in the same area, contractor was directed to expedite the opening of 127th Street East by doing a 2" Overlay. It was essential to complete this work and re-open 127th Street in advance of the 21st Street paving project. Contractor was also asked to work around and save as many trees as possible at the request of the local citizens. Contractor is to repair damage along 127th Street caused by flooding in the local area. This includes hauling in dirt, re-grading, installing curlex blanket and seeding along the sanitary sewer line. Several meetings were held with property owners prior to construction in order to limit the extent of tree removal and select a route for the sanitary sewer. After construction began, additional meetings with property owners resulted in the alignment being further modified to preserve additional mature trees. Some savings resulted in less pavement repairs.

CIP Budget Amount: \$6,000,000.00
Consultant: MKEC
Total Exp. & Encum. To Date: \$5,332,597.02
CO Amount: \$95,655.30
Unencum. Bal After CO: \$571,747.68

Original Contract Amt.: \$2,131,030.00
Current CO Amt.: \$95,655.30
Amt. of Previous CO's: \$3,080.00
Total of All CO's: \$98,735.30
% of Orig. Contract / 25% Max.: 4.63%
Adjusted Contract Amt.: \$2,229,765.30

Recommended By:

Approved:

Greg Baalman, P.E. Date
Construction Engineer

Jim Armour, P.E. Date
City Engineer

Approved:

Approved:

Contractor Date

Chris Carrier, P.E. Date
Director of Public Works

Approved as to Form:

By Order of the City Council:

Gary Rebenstorf Date
Director of Law

Carl Brewer Date
Mayor

Attest: _____
City Clerk

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of 15815 West McCormick for the Goddard School 2nd Addition
Sanitary Sewer Project, East of 167th Street and North of West Kellogg. (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On February 10, 2009, City Council approved the resolution authorizing construction of the sanitary sewer line to the new Goddard school complex at 167th Street West and Kellogg. This line will provide sewer service to the new schools from an existing city of Wichita main. The project will be paid for by the benefit district. There are three tracts where easements are necessary. It is necessary to obtain a 20-foot wide easement and a temporary construction easement from the property at 15815 West McCormick. The subject property is improved with a single-family residence. The improvements are removed from the proposed easement area and only the in-ground sprinklers are impacted.

Analysis: The proposed sanitary sewer easement is 4,835 square feet and the proposed temporary easement during construction is 5,053 square feet. Both easements are parallel to the north property line of the subject property. The owner has agreed to convey the sewer easement for \$7,852. This is comprised using the estimated market value of \$5,846, or \$1.00 per square foot for the easement area and \$0.20 for the temporary easement area. An additional \$2,006 is required to repair and replace the in-ground sprinkler system and a couple of small trees.

Financial Considerations: A budget of \$8,452 is requested. This includes \$7,852 for the acquisition area and \$600 for administrative and filing fees.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing for the construction of a new sanitary sewer in new development.

Legal Considerations: The Law Department has approved the easement and restrictive covenant as to form.

Recommendations/Actions: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contract and 3) Authorize the necessary signatures.

Attachments: Real estate purchase agreement and tract map.

REAL ESTATE PURCHASE CONTRACT

THIS AGREEMENT, Made and entered into this ____ day of _____, 2009 by and between Daniel J. Pabst and Christine M. Pabst, husband and wife, party of the First Part, hereinafter referred to as "Seller," whether one or more, and the City of Wichita, Kansas, a municipal corporation, party of the Second Part, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a sanitary sewer easement the following described real property, situated in Sedgwick County, Kansas, to-wit:

A 20' Sanitary Sewer Easement described as follows:

COMMENCING at the northwest corner of Lot 37, Block A in Reece Farms Estates, an addition to Wichita, Sedgwick County, Kansas; Thence Bearing S00°18'00"W, along the west line of said Lot 37, a distance of 40.85 feet to the **POINT OF BEGINNING**, also being a point on the south line of a 72' pipeline easement as shown on the recorded plat of said Reece Farms Estates; Thence Bearing N62°05'01"E, along said south easement line, a distance of 237.03 feet to a point on the westerly line of a platted 15' Utility Easement, also being the P.C. of a curve to the left; Thence along said westerly easement line being a curve to the left, having a radius of 225.00 feet, a chord bearing of S26°03'40"E, a chord distance of 20.01 feet and through a central angle of 05°05'50", an arc distance of 20.02 feet; Thence Bearing S62°05'01"W, a distance of 247.12 feet to a point on the west line of said Lot 37; Thence Bearing N00°18'00"E, along said west line, a distance of 22.70 feet to the **POINT OF BEGINNING**. (Said 20' Sanitary Sewer Easement containing 0.111 acres, more or less)

2. The Seller does hereby agree to grant to the Buyer by a temporary construction easement the following described real property, situated in Sedgwick County, Kansas, to-wit:

A 20' Temporary Construction Easement described as follows:

COMMENCING at the northwest corner of Lot 37, Block A in Reece Farms Estates, an addition to Wichita, Sedgwick County, Kansas; Thence Bearing S00°18'00"W, along the west line of said Lot 37, a distance of 63.55 feet to the **POINT OF BEGINNING**; Thence Bearing N62°05'01"E, a distance of 247.12 feet to a point on the westerly line of a platted 15' Utility Easement, also being the P.C. of a curve to the left; Thence along said westerly easement line being a curve to the left, having a radius of 225.00 feet, a chord bearing of S31°09'40"E, a chord distance of 20.03 feet and through a central angle of 05°06'10", an arc distance of 20.04 feet; Thence Bearing S62°05'01"W, a distance of 258.98 feet to a point on the west line of said Lot 37; Thence Bearing N00°18'00"E, along said west line, a distance of 22.70 feet to the **POINT OF BEGINNING**. (Said Temporary Construction Easement containing 0.116 acres, more or less)

3. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to him of the above-described real property together with damages to trees and in-ground sprinkler system, the sum of Seven Thousand Eight Hundred Fifty-Two

Dollars and Zero Cents (\$7,852.00) in the manner following to-wit: cash at closing.

4. A title insurance company's commitment to insure or a complete abstract of title certified to date, to the above-described real property, showing a merchantable title vested in the seller, subject to easements and restrictions of record is required. Buyer, if he elects, shall obtain the Title Evidence the Title Evidence shall be sent to the Office of Property Management for the City of Wichita for examination by the Buyer as promptly and expeditiously as possible. It is understood and agreed that the Seller shall have a reasonable time (not to exceed thirty (30) days after said Title Evidence has been examined) in which to correct any defects in title. If defects in title are not corrected to Buyer's satisfaction, Buyer, at Buyer's option, may cancel this contract. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0% by Seller and 100% by Buyer.
5. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.
6. Where applicable, it is further agreed by and between the parties hereto that all rentals, insurance (if policies acceptable to Buyer), and interest, if any shall be adjusted and prorated as of the closing date. Taxes and specials shall be pro-rated for calendar year on the basis of 100% of taxes levied for the prior year. All prior years specials and taxes shall be current at time of closing.
7. The Seller further agrees to convey the above-described premises with the improvements including general landscaping located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.
8. Seller shall place no encumbrances on the property during the period from execution of this contract to closing.
9. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before July 17, 2009, subject to the conditions of Item 12 below.
10. Possession of easements to be given to Buyer at closing.
11. Closing costs shall be paid 100% by Buyer and 0% by Seller.
12. Site Assessment
 - A. At any time prior to the closing of this agreement, Buyer shall have the right to conduct or cause to be conducted an environmental site assessment and/or testing on the property. If an environmental audit or test reveals the presence of a hazardous substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous substance or waste on the property, Buyer shall have the right to void this agreement upon notice to Seller, in which event neither party shall be under any further obligation to the other, with the exception that Seller shall return to Buyer any deposit made hereunder.
 - B. Provided, however, Buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraph A above. If a site assessment is completed after the closing date set herein, then Buyer and Seller shall

close or Buyer shall advise Seller that this agreement is being voided pursuant to said paragraph within ten (10) days of the completion of the site assessment. Buyer shall, if Buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

13. Buyer hereby agrees to require its contractors to restore the disturbed property when construction activity commences. Restoration shall include, but not be limited to, cleanup and disposal of materials and debris, regrading to original condition and replacement of lawn/turf damaged or disturbed by maintenance or construction activity. Lawn/turf areas shall be restored with the same grass or sod as existing (wherever possible).
14. Buyer hereby agrees to replace any and all driveway improvements damaged or disturbed by maintenance or construction activity with like-kind material. Damages to any portion of a panel will result in the replacement of the entire panel.

WITNESS OUR HANDS AND SEALS the day and year first above written.

BUYER:

By Direction of the City Council

SELLER:

Carl Brewer, Mayor

Daniel J. Pabst

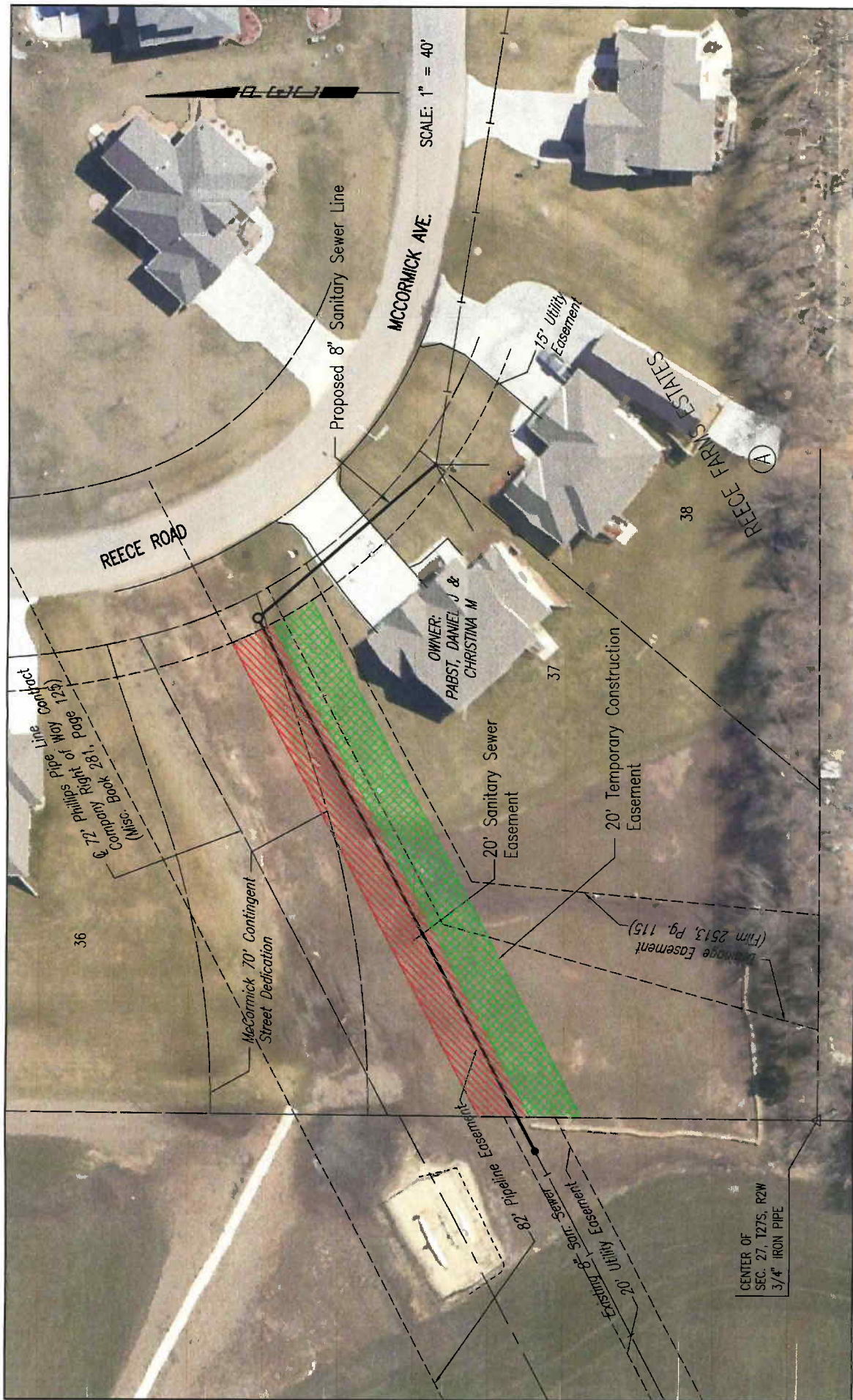
ATTEST:

Karen Sublett, City Clerk

Christina M. Pabst

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law



CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of 11800 West Kellogg for the Lateral 23, Main 13 Southwest Interceptor Sewer Project at West Kellogg and 111th. (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On May 1, 2007, City Council approved the resolution authorizing construction of the Lateral 23, Main 13 Southwest Interceptor Sanitary Sewer. This line will provide sewer service to properties currently on private septic systems, some of which have started to fail. The project will be paid for by the benefit district. There are ten tracts with seven owners where easements are necessary.

Analysis: The project requires an easement across a portion of the property located at 11800 West Kellogg. The impacted portion is undeveloped. A 10-foot wide easement consisting of 5,400 square feet is required along the southern edge of the property. The appraised offer of \$3,240 (\$0.60 per square foot) was rejected by the owner. The property is currently listed for sale for \$4.83 per square foot. The owner has agreed to convey the easement for negotiated amount of \$4,860 (\$0.90 per square foot) or 18% of the list price.

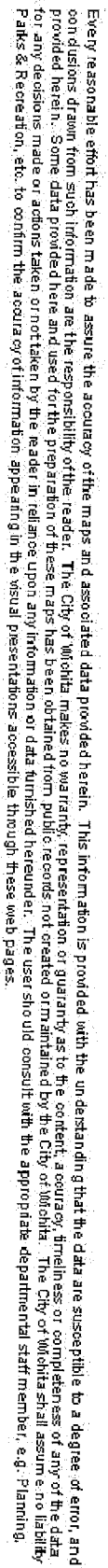
Financial Considerations: A budget of \$5,860 is requested. This includes \$4,860 for the easement and \$1,000 for closing costs, title and other acquisition related fees.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

Legal Considerations: The Law Department has approved the easement and restrictive covenant as to form.

Recommendation/Action: It is recommended that the City Council accept the easement and restrictive covenant and authorize the necessary payment.

Attachments: Tract map, aerial map and real estate purchase agreement.



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, Made and entered into this 30th day of June, 2009 by and between SCI Kansas Funeral Services, Inc, hereinafter referred to as "Seller," whether one or more, and City of Wichita, Kansas, a municipal corporation, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to convey to the Buyer by a permanent easement for the construction and maintenance of sanitary sewer in, upon and under the following described tract, to wit:

Permanent Easement:

The south 10 feet of the easternmost 539.96 feet of Lot 1, Resthaven Gardens of Memory, an Addition to Wichita, Sedgwick County, Kansas.

2. The Buyer hereby agrees to purchase and pay to the Seller as consideration for the Conveyance, to him, of the above-described easement the sum of Four Thousand Eight Hundred Sixty Dollars and No Cents (\$4,860.00) in the manner following, to-wit: cash at closing.

3. A title insurance company's commitment to insure or a complete abstract of title certified to date, to the above-described real property, showing a merchantable title vested in the seller, subject to easements and restrictions of record is required. The Title Evidence shall be sent to the City of Wichita Office of Property Management for examination by the Buyer as promptly and expeditiously as possible; and it is understood and agreed that the Seller shall be not be required to cure any title defects. If defects in title are unacceptable to Buyer, Buyer, at Buyer's option, may cancel this contract. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0 % by Seller and 100 % by Buyer.

4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. It is further agreed by and between the parties hereto that all rentals, insurance (if policies acceptable to Buyer), and interest, if any, shall be adjusted and prorated as of the closing date. Taxes and specials shall be pro-rated for calendar year on the basis of 100% of taxes levied for the prior year. All prior years specials and taxes shall be current at time of closing.

6. The Seller further agrees to convey the above-described premises with all the improvements including general landscaping located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

7. Seller shall place no encumbrances on the property during the period from execution of this contract to closing. In addition, Seller shall be responsible for carrying such insurance as is reasonable on the improvements up until the closing date.

8. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before July 15, 2009 subject to the conditions of Item 10 below.

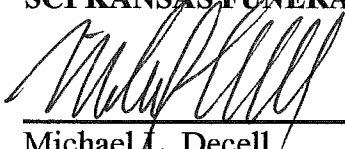
9. Possession to be given to Buyer at closing.

10. Closing costs shall be paid 100% by Buyer and 0% by Seller.

WITNESS OUR HANDS AND SEALS the day and year first above written.

SELLER:

SCI KANSAS FUNERAL SERVICES, INC.:



Michael L. Decell
Vice President

BUYER:

By Direction of the City Council

ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Renovations to 1700 Airport Road (Customs)

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing.

Analysis: On January 27, 2009, the Wichita Airport Authority authorized an increase in the project to renovate portions of Hangar 16 to accommodate the U.S. Customs and Border Protection Federal Inspection Services. A notice of intent to use debt financing was not done in conjunction with that authorization but since the budget has not been expended to-date, it is allowable to do the notice of intent at this time. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by City Council.

Financial Considerations: The revised total budget for the project is \$1,200,000.00 which represents the maximum cost that will be financed with General Obligation bonds/notes. The source of repayment for the bonds/notes will be Airport revenues.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Authorizing Resolution.

OCA = 501830; UC1 = 1007

Published in the Wichita Eagle on July 17 and July 24, 2009

RESOLUTION NO. 09-210

A RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of land acquisition and/or certain capital improvements, specifically,

Renovations to 1700 Airport Road (Customs)

to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas (such land acquisition and/or improvement to be referred to herein as the "Project").

SECTION 2. That the cost of the above described Project is estimated to be One Million Two Hundred Thousand Dollars (\$1,200,000), exclusive of the cost of interest on borrowed money, to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$1,200,000.

SECTION 3. To the extent the Project is a capital improvement, the above described Project shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once each week for two consecutive weeks in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 14, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Air Capital Terminal 3 – Landside Utilities, Phase I and Mid-Continent Drive relocation

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: Capital projects undertaken by the Wichita Airport Authority are funded by Federal Aviation Administration grants, Passenger Facility Charge (PFC) collections, grants from other sources such as the Transportation Security Administration and Airport operating revenues. The timing for the actual receipt of outside funds can vary depending on circumstances such as Congressional action and passenger activity levels. In order to assure that capital project schedules are not interrupted due to these timing fluctuations, City procedure calls for a notice of intent to issue debt financing for the full budget of the project. The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing.

Analysis: On July 7, 2009, the Wichita Airport Authority authorized an increase in the Air Capital Terminal (ACT 3) budget to include the cost of constructing Phase I of the Landside Utilities along with the relocation of Mid-Continent Drive. The project will relocate and consolidate utilities in the way of the upcoming new terminal; construct a vehicle inspection station with security cameras; and relocate the main entrance road to better accommodate the upcoming new terminal, parking garage and parking lot expansion. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by City Council.

Financial Considerations: The revised total budget for the TARP is \$38,364,572 which represents the maximum cost that will be financed with General Obligation bonds/notes. The source of repayment for the bonds/notes will be a combination of grants, PFC collections and Airport revenues.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Authorizing Resolution.

OCA = 501380; UC1 = 1002

Published in the Wichita Eagle on July 17 and July 24, 2009

RESOLUTION NO. 09-211

AN RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of land acquisition and/or certain capital improvements, specifically,

Air Capital Terminal 3 – Landside Utilities, Phase I and Mid-Continent Drive Relocation
to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas (such land acquisition and/or improvement to be referred to herein as the “Project”).

SECTION 2. That the cost of the above described Project is estimated to be Thirty Eight Million Three Hundred Sixty Four Thousand Five Hundred and Seventy Two Dollars (\$38,364,572), exclusive of the cost of interest on borrowed money, to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$38,364,572.

SECTION 3. To the extent the Project is a capital improvement, the above described Project shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once each week for two consecutive weeks in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 14, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Pavement Condition Inventory
Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: Capital projects undertaken by the Wichita Airport Authority are funded by Federal Aviation Administration grants, Passenger Facility Charge (PFC) collections, grants from other sources such as the Transportation Security Administration and Airport operating revenues. The timing for the actual receipt of outside funds can vary depending on circumstances such as Congressional action and passenger activity levels. In order to assure that capital project schedules are not interrupted due to these timing fluctuations, City procedure calls for a notice of intent to issue debt financing for the full budget of the project. The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing.

Analysis: On July 7, 2009, the Wichita Airport Authority authorized a budget for a pavement condition inventory at Mid-Continent Airport. FAA Advisory Circular 150/5380-68 requires periodic, in-depth airfield pavement condition inventories. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by City Council.

Financial Considerations: The total budget for this project is \$120,000 which represents the maximum cost that will be financed with General Obligation bonds/notes. The source of repayment for the bonds/notes will be a combination of grants, PFC collections and Airport revenues.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Authorizing Resolution.

Published in the Wichita Eagle on July 17 and July 24, 2009

RESOLUTION NO. 09-212

A RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of land acquisition and/or certain capital improvements, specifically,

Pavement Condition Inventory (Mid-Continent 2009)
to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas (such land acquisition and/or improvement to be referred to herein as the "Project").

SECTION 2. That the cost of the above described Project is estimated to be One Hundred and Twenty Thousand Dollars (\$120,000.00), exclusive of the cost of interest on borrowed money, to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$120,000.00.

SECTION 3. To the extent the Project is a capital improvement, the above described Project shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once each week for two consecutive weeks in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 14, 2009

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Pavement Condition Inventory
Jabara Airport

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: Capital projects undertaken by the Wichita Airport Authority are funded by Federal Aviation Administration grants, Passenger Facility Charge (PFC) collections, grants from other sources such as the Transportation Security Administration and Airport operating revenues. The timing for the actual receipt of outside funds can vary depending on circumstances such as Congressional action and passenger activity levels. In order to assure that capital project schedules are not interrupted due to these timing fluctuations, City procedure calls for a notice of intent to issue debt financing for the full budget of the project. The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Jabara Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing.

Analysis: On July 7, 2009, the Wichita Airport Authority authorized a budget for a pavement condition inventory at Jabara Airport. FAA Advisory Circular 150/5380-68 requires periodic, in-depth airfield pavement condition inventories. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by City Council.

Financial Considerations: The total budget for this project is \$41,000 which represents the maximum cost that will be financed with General Obligation bonds/notes. The source of repayment for the bonds/notes will be a combination of grants and Airport revenues.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Authorizing Resolution.

Published in the Wichita Eagle on July 17 and July 24, 2009

RESOLUTION NO. 09-213

A RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE COLONEL JAMES JABARA AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of land acquisition and/or certain capital improvements, specifically,

Pavement Condition Inventory (Jabara 2009)

to the Colonel James Jabara Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas (such land acquisition and/or improvement to be referred to herein as the "Project").

SECTION 2. That the cost of the above described Project is estimated to be Forty One Thousand Dollars (\$41,000.00), exclusive of the cost of interest on borrowed money, to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$41,000.00.

SECTION 3. To the extent the Project is a capital improvement, the above described Project shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once each week for two consecutive weeks in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 14, 2009

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Renovations to Water Works (2100 Airport Road)

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing.

Analysis: On January 27, 2009, the Wichita Airport Authority authorized a project to renovate the vacant Water Works building to house the landscaping and landside snow removal equipment/materials that need relocated due to the demolition of the old Airline Maintenance Building that is in the way of the new terminal. A notice of intent to use debt financing was not done in conjunction with that authorization but since the budget has not been expended to-date, it is allowable to do the notice of intent at this time. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by City Council.

Financial Considerations: The total budget for the project is \$450,000 which represents the maximum cost that will be financed with General Obligation bonds/notes. The source of repayment for the bonds/notes will be Airport revenues.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Authorizing Resolution.

Published in the Wichita Eagle on July 17 and July 24, 2009

RESOLUTION NO. 09-214

A RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of land acquisition and/or certain capital improvements, specifically,

Renovations to Water Works (2100 Airport Road)
to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas (such land acquisition and/or improvement to be referred to herein as the "Project").

SECTION 2. That the cost of the above described Project is estimated to be Four Hundred and Fifty Thousand Dollars (\$450,000), exclusive of the cost of interest on borrowed money, to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$450,000.

SECTION 3. To the extent the Project is a capital improvement, the above described Project shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once each week for two consecutive weeks in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 14, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Terminal East Data Center

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: Capital projects undertaken by the Wichita Airport Authority are funded by Federal Aviation Administration grants, Passenger Facility Charge (PFC) collections, grants from other sources such as the Transportation Security Administration and Airport operating revenues. The timing for the actual receipt of outside funds can vary depending on circumstances such as Congressional action and passenger activity levels. In order to assure that capital project schedules are not interrupted due to these timing fluctuations, City procedure calls for a notice of intent to issue debt financing for the full budget of the project. The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing.

Analysis: On June 9, 2009, the Wichita Airport Authority authorized a budget for the East Data Center in the existing terminal basement which is required to accommodate communication cabling and equipment prior to the terminal project. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by City Council.

Financial Considerations: The total budget is \$410,000 which represents the maximum cost that will be financed with General Obligation bonds/notes. The source of repayment for the bonds/notes will be a combination of PFC collections and Airport revenues.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Authorizing Resolution.

Published in the Wichita Eagle on July 17 and July 24, 2009

RESOLUTION NO. 09-215

A RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of land acquisition and/or certain capital improvements, specifically,

Terminal East Data Center

to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas (such land acquisition and/or improvement to be referred to herein as the "Project").

SECTION 2. That the cost of the above described Project is estimated to be Four Hundred Ten Thousand Dollars (\$410,000.00), exclusive of the cost of interest on borrowed money, to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$410,000.00.

SECTION 3. To the extent the Project is a capital improvement, the above described Project shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once each week for two consecutive weeks in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 14, 2009

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: Sale of Remnant of 3203 East Chatfield (District II)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the sale.

Background: The City acquired 3203 East Chatfield as part of the project to improve Hillside from Central to Kellogg. The project required the west 20 feet of the property and the removal of all improvements. The remaining parcel has 3,850 square feet. The City Council declared the parcel surplus in November 2007. The property has been advertised on the Internet and in mailings to adjacent owners.

Analysis: Due to the small size, the property must be redeveloped as part of an adjacent use. An offer of \$5,000 (\$1.29 per square foot) has been received. The buyer intends develop the site as additional parking for his adjacent office facility.

Financial Considerations: The City will receive cash consideration for the sale of the property, less any marketing costs. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

Goal Impact: The sale and redevelopment of this property will support a dynamic core area and vibrant neighborhood.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council approve the Real Estate Purchase Contracts and authorize all necessary signatures.

Attachments: Real estate agreement and aerial.

REAL ESTATE PURCHASE CONTRACT

THIS AGREEMENT, Made and entered into this ____ day of _____, 2009 by and between City of Wichita, party of the First Part, hereinafter referred to as "Seller," whether one or more, and Aslan Investments, LLC, party of the Second Part, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. Seller does hereby agree to sell and convey to Buyer by a good and sufficient warranty deed the following described real property, situated in Wichita, Sedgwick County, Kansas, to wit:

Lot 1, Chatfield Addition except the West 20 feet thereof and with complete access control on Hillside

2. Buyer hereby agrees to purchase, and pay to Seller, as consideration for the conveyance to him of the above described real property for the sum of Five Thousand Dollars and No Cents (\$5,000.00) in the manner following, to-wit: cash at closing.

3. Seller agrees to convey title in and to the above-described real property, subject to easements, restrictions and special assessments of record, if any, acceptable to the other party.

4. The costs of closing, if any, shall be paid one-half by Seller and one-half by Buyer. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 100% by Buyer. Any taxes and assessments shall be prorated as of the date of closing. Taxes shall be pro-rated for calendar year on the basis of taxes levied for prior year.

5. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

6. Possession of said real property shall transfer at closing.

7. The parties covenant and agree that except for closing and title insurance referenced elsewhere herein, each is solely responsible for the payment of any fee for brokerage, technical or other professional services relating to the execution and performance of this Contract incurred by such party.

8. Time is of the essence in the interpretation and enforcement of this Contract, and it shall be consummated and closed on or before July 31, 2009.

9. Seller makes no warranty or guarantee as to the suitability of the real property for the intended use of Buyer. Therefore, Buyer covenants and agrees that Buyer at Buyer's own expense shall examine the real property in order to determine such suitability including but not limited to:

- A. Soils data and geology, drainage, hydrology and topographical features that would affect any present or future intended use;
- B. The presence or absence of any contamination by any hazardous substance;
- C. The quality and quantity of water available by on-site water wells, and the availability of a permit or permits therefore;
- D. The nature, extent, and cost of public utilities needed to serve all or a portion of such real property;
- E. The extent and cost of compliance with subdivision regulations, building codes and other applicable rules and regulations involving public improvements, private improvements, access, building setbacks, public dedications, platting and replatting requirements of such real property;
- F. The nature and extent of zoning and subdivision statutes, laws, ordinances and regulations affecting the present use, and the ease or difficulty involved in the zone-change and subdivision approval procedures necessary or desirable to allow for the Buyer's intended use or uses.

10. Buyer also covenants and agrees that Buyer, his agents, successors and assigns any future use of the property as described above for the following uses shall be prohibited:

- A. Adult Book and Video Stores
- B. Community Correctional Facilities
- C. Half-way Houses
- D. Drug or Alcohol Rehabilitation Facilities
- E. Multi-game, Casino-style Gambling Facilities
- F. Commercial Billboards
- G. Car sales lots

11. The covenants and agreements contained in Paragraphs 9 and 10 shall survive the closing of the sale intended hereby, and they shall bind the buyer as fully after the sale as they do before.

12. Buyer hereby agrees; a) Buyer is accepting the subject property on an "AS IS" basis and in "AS IS" condition; and that Buyer's decision to enter into this contract and any future decisions he may make with regard to the property have been and will be made based on his own inspections. Buyer acknowledges that no representations or warranties as to character, quality, value, or condition have been made by any of the brokers or agents involved, and also agrees not to make any claim against the Seller or the brokers involved.

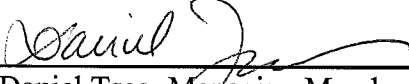
13. Buyer shall present details of the future use of the site to the Seller for Seller's approval prior to closing. Seller shall have the right to approve the user, renovation plans, landscaping and other items as deemed important. If Seller does not approve of the details as presented, Buyer shall have the right to modify the proposal. If an agreement cannot be reached as to the acceptability of the proposal, this contract shall be null and void, with Buyer and Seller relieved of all liability hereunder and Buyer's deposit, if any, returned to Buyer.

14. Upon closing of title, all promises, statements and obligations merge in the deed except as herein defined, and thereafter Buyer will be deemed to have waived all claims and causes of action against the Seller, his agents or assigns.

WITNESS OUR HANDS AND SEALS the day and year first above written.

BUYER:

Aslan Investments, LLC



Daniel Tsao, Managing Member

SELLER:

By Direction of the City Council

Carl Brewer, Mayor

ATTEST:

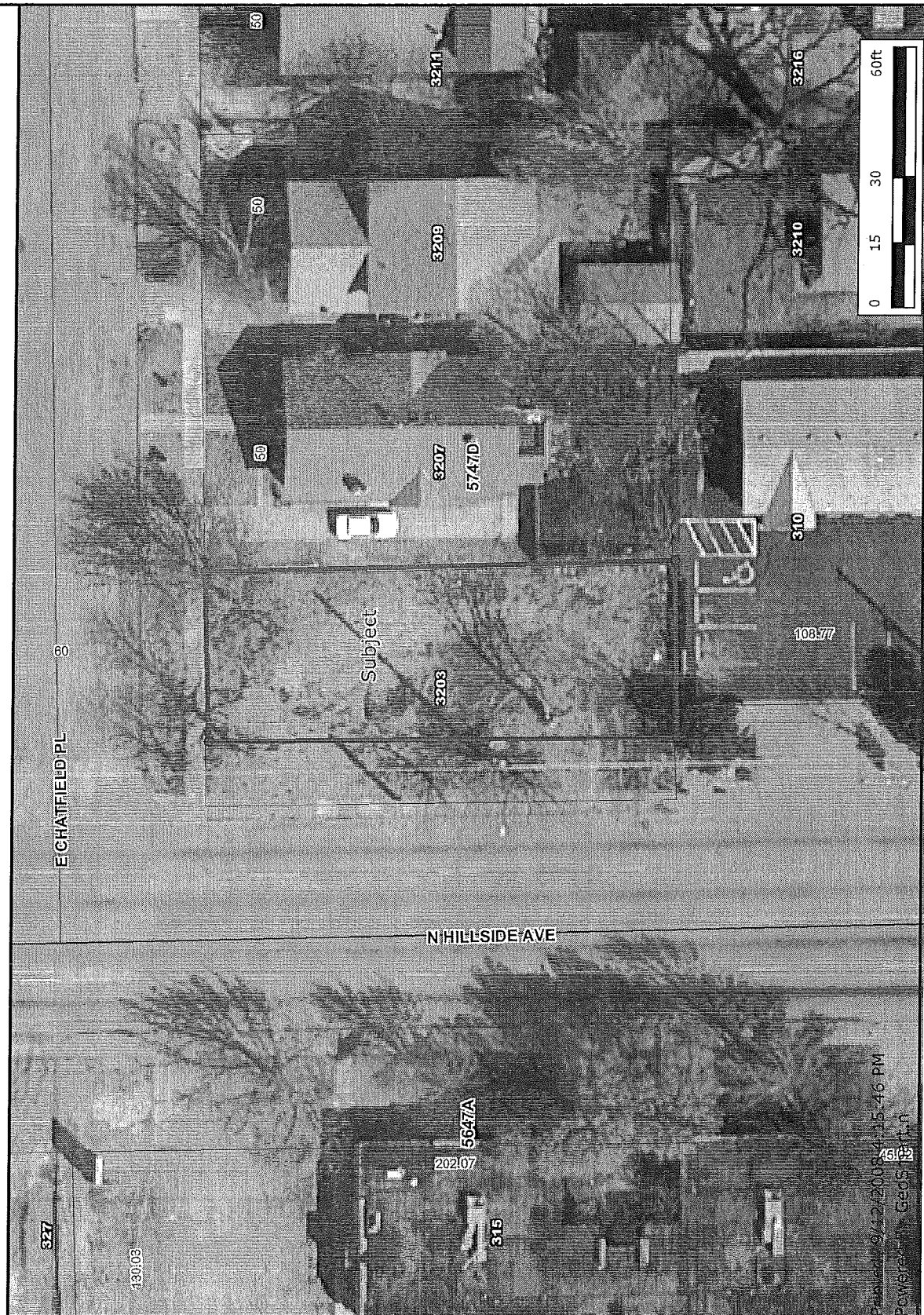
Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law



Remnant - 3203 Chatfield



<input type="checkbox"/>	Property Parcels
	Roads
	State Highway
	US Federal Highway
	Interstate
	KTA
	Arterial
	Collector
	Minor
	Ramp
	Railroads
	Quarter Section
	Waterways
	Streams
	Parks
	Airports
	SDERASTER, S- DEDATA, ORTH- 01FT
	SDERASTER, S- DEDATA, ORTH- 0
	City Limits
	Andale
	Bel Aire
	Bentley
	Cheney
	Clearwater
	Colwich
	Derby
	Eastborough
	Garden Plain
	Goddard
	Haysville
	Kechi
	Maize
	Mount Hope
	Mulvane
	Park City

Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken, or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



CITY OF WICHITA
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: Surplus of 1916 South Sedgwick (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the property for surplus.

Background: A private party deeded the single family residence at 1916 South Sedgwick to the City without the City's acceptance. The property is a 2-bedroom ranch style house built in 1975. County records indicate that the condition of the property is D+, or poor. It has one bedroom, no basement or garage and is located on a 6,939 square foot lot.

Analysis: City staff has reviewed the property and determined that it does not fit into any of the City's development programs. There is currently approximately \$2,500 of assessments and taxes owed on the property. An owner of property in the area has contacted the City about acquiring the property for the amount owed. As the property has not been marketed, permission is requested to expose the property to the market before accepting the offer. The property will be offered for sale subject to the City's standard use restrictions including no casinos, car lots, adult entertainment, etc. After exposure to the market, the best offer received will be brought before the City Council for approval.

Financial Considerations: The City will receive cash consideration for the sale of the property, less any marketing costs. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

Goal Impact: The sale and redevelopment of this property will support a dynamic core area and vibrant neighborhood.

Legal Considerations: The Law Department will approve any contracts as to form.

Recommendation/Action: It is recommended that the City Council declare the property surplus and approve the marketing strategy described.

Attachments: Aerial.



1916 South Sedgwick



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Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



CITY OF WICHITA

**CONTRACTS & AGREEMENTS
BLANKET PURCHASE ORDERS RENEWAL OPTIONS
JUNE 2009**

COMMODITY TITLE	EXPIRATION	VENDOR NAME	DEPARTMENT	ORIGINAL	RENEWAL OPTIONS
	DATE			CONTRACT DATES	REMAINING
Actuarial Consulting Services Wichita Retirement Systems and Police & Fire Retirement Systems	6/30/2010	Milliman, Inc.	Finance, Police & Fire	7/1/2007 - 6/30/2008	2 - 1 year options
Body Armor Vests (Lightweight Protective)	6/30/2010	Baysinger Police Supply, Inc.	Police	7/1/2009 - 6/30/2009	1 - 1 year option
Chemicals for Water Treatment - Group 1 - Powdered Activated Carbon	6/30/2010	Thatcher Company	Water Utilities	7/22/2008 - 6/30/2009	1 - 1 year option
Chemicals for Water Treatment - Groups 2, 3, 4 & 5	6/30/2010	Brenntag Southwest Inc.	Water Utilities	7/22/2008 - 6/30/2009	1 - 1 year option
Collection of Delinquent Court Fines	6/30/2010	Gila Corporation dba Municipal Services Bureau	Municipal Court	7/3/2007 - 6/30/2008	2 - 1 year options
Employee Health & Benefit Consulting Services	6/30/2010	AON Consulting	Finance	7/8/2008 - 6/30/2009	3 - 1 year options
Lamps - LED Traffic Signal Lamps - Group 1	6/30/2010	Leotek Electronics USA Corp.	Public Works	7/1/2008 - 6/30/2009	1 - 1 year option
Lamps - LED Traffic Signal Lamps - Group 2	6/30/2010	Excellence Opto, Inc.	Public Works	7/1/2008 - 6/30/2009	1 - 1 year option
Maintenance - Power Files	6/30/2010	Records Retrieval Systems	Police	7/1/2002 - 6/30/2003	Annual basis
Uniforms - Housing	6/30/2010	Industrial Uniform Co., Inc.	Housing & Community Services	7/9/2008 - 6/30/2009	1 - 1 year option

**PROFESSIONAL CONTRACTS UNDER \$25,000
PURCHASE ORDERS FOR JUNE 2009**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		

**ANNUAL MAINTENANCE CONTRACTS OVER \$25,000
DIRECT PURCHASE ORDERS FOR JUNE 2009**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
Cogsdale Holdings Ltd.	DP930948	Software Maintenance/Support	80,678.00		
MSN Communications	DP930949	Software Maintenance/Support	\$57,433.67		

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: Nuisance Abatement Assessments (Districts I, III, IV and VI)

INITIATED BY: Office of Central Inspection

AGENDA: Consent

Recommendation: Approve the assessments.

Background: The Office of Central Inspection supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code in 2007. State law and local ordinance allow the City to clean up private properties that are in violation of environmental standards after proper notification to the responsible party. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

Analysis: State law and city ordinances allow placement of the lot cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and the Office of Central Inspection is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Nuisance abatement contractors are paid through budgeted appropriations from the City's General Fund. Owners of abated property are billed for the contractual costs of the abatement, plus an additional administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property. Nuisance abatements to be placed on special assessments are on the attached property list.

Goal Impact: Nuisance abatement activities support the goal of Core Area and Vibrant Neighborhoods by cleaning properties that are detrimental to Wichita neighborhoods.

Legal Considerations: These assessments are in accordance with Chapters 7.40.050 and 7.40.060 and 8.01.065 of the City Code. This agenda report has been reviewed and approved by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments.

Attachments: Property List for Special Assessment

Weed Mowing	Amount	District #
3004 E Fountain - V/L 4 Lots South of 4303 E Salem	120.24	1
4227 E Salem - V/L 2 W of 4303 Salem	120.24	1
RR Row Pawnee to row behind 2535 S Kessler	131.75	4
RR Row behind 2621 W Esthner to 2635 Esthner Ct	131.75	4
RR Row behind 2626 W May to 2628 W May	131.75	4
RR Row S of 206 N Fern to 240 N Vine	131.75	4
RR Row from 1600 S Sheridan N to 3204 W Harry Ct	131.75	4
RR Row E of 2753 S West St to West of 2500 S West St	131.75	4
RR Row behind 1845 S Sheridan to 1716 S Catherine	131.75	4
RR Row 3800 SW Blvd to 2219 SW Blvd	131.75	4
RR Row NE of 4526 Zoo Blvd to 4800 Zoo Blvd	131.75	6
RR Row From East of 125 E Macarthur Treeline South	131.75	3
RR Row West of 206 E Macarthur N Macarthur to Tree Line	131.75	3
1955 N Topeka	120.24	6
V/L N of 1953 N Santa Fe	120.24	6
1448 N Chautauqua - V/L	120.24	1
V/L 1 West of 3527 South St Clair	120.24	4
2649 N Spruce St	120.24	1
1622 N Kansas - V/L	120.24	1
1237 N Mathewson - V/L	120.24	1
1718 N Green St - V/L	120.24	1
1600 Sheridan Ave - V/L	128.29	4
V/L 1 N 4710 S Emporia	128.29	3
1320 S Pattie Ave	120.24	1
3130 N Jeanette Ave	120.24	6
1645 S Millwood Ave	120.24	4
4629 W 2nd St	120.24	4
511 N Wabash Ave - V/L	120.24	1
1140 N Wabash - V/L	120.24	1
1502 E 10th St - V/L	120.24	1
1431 N Madison Ave - V/L	120.24	1
V/L S of 2058 N Kansas	120.24	1
2126 N Minnesota St	120.24	1
V/L S of 730 N Broadway	120.24	6
607 N Grove St	120.24	1
1759 N Minnesota	120.24	1
1148 N Market - V/L	120.24	6
Lot Clean-Up	Amount	District #
942 N Glendale St - V/L	\$ 871.72	1
2107 N Piatt - V/L	400.00	1
1720 N Oliver	4,005.00	1
2330 N Estelle	777.50	1
1258 N Green - V/L	328.40	1
4219 E Boston Dr	943.78	3
2272 N Kansas Ave	423.71	1
1308 N Minneapolis	742.45	1
1725 N Minnesota St	844.86	1
1101 N New York	1,005.32	1
1036 N Poplar St	828.00	1
3942 N St Clair	185.00	6
647 S Sylvan Ln	671.90	3
1510 S Water St	178.40	1
1502 E 16th St N	773.10	1
1818 N Ash - V/L	663.10	1
2219 E Shadybrook Ln	507.00	1

2920 E Stadium Dr - V/L	582.85	1
1430 S Santa Fe	390.00	1
1200 N Minnesota Ave - V/L	257.25	1
2110 E 13th St	489.15	1
214 S Clara	366.50	4
1049 N Ash	555.10	1
V/L N of 1217 N Ash	668.80	1
1309 N Indiana Ave - V/L	406.65	1
2207 E Mossman Ave - V/L	230.80	1
1202 N Minnesota Ave	201.40	1
2021 E 12th St N - V/L	509.47	1
1626 N Oliver - V/L	332.50	1
405 W Zimmerly	369.40	1
2638 S Lulu	223.00	3
1230 S Hydraulic	741.32	1

_____ Published in The Wichita Eagle on **July 24, 2009**

ORDINANCE NO. 48-372

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE
COST OF **CUTTING WEEDS** IN THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WICHITA, KANSAS:

SECTION 1. That the sums set opposite the following lots, tracts, pieces and
parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of
cutting weeds in the City of Wichita, Kansas in the year 2009:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
LOTS 242-244 EXC E 45 FT MARKET ST. HYDE & FERRELL'S ADD.	120.24
MO-PAC ROW IN NE 1/4 SEC 20-27-1E	263.50
LOTS 26-28-30-32-34 & 1/2 VAC ALLEY ON E BLOCK 3 COLES, EC & LR ADD TO CAREY PARK	120.24
N 10 FT LOT 45 & ALL LOTS 47-49-51- 53 & S 5 FT LOT 55 LAWRENCE AVE J. P. HILTON'S ADDITION	120.24
RES A 5TH. NOW SANTA FE AVE VIOLA ADD. UTILITY ROLL	120.24
LOT 1 & N 15 FT LOT 2	120.24

DAYMORE ADD.	
S 40 FT E 1/2 LOT 3 PEARCE & VAN TILBURGH'S ADD.	120.24
LOTS 60-62-64 GRANVILLE PARK ADD.	120.24
LOTS 47-49-51 ALLEN NOW MATHEWSON AVE. GETTO'S ADD.	120.24
LOTS 62-64 & 1/2 VAC ALLEY ADJ ON E PATTIE AVE. LINCOLN ST. ADD.	120.24
N 43 FT OF TR BEG 358 FT E & 16 RDS S NW COR SW 1/4 NE 1/4 S 132 FT E 136 FT N 132 FT W TO BEG SEC 16-27-1E	120.24
LOT 14 BLOCK 1 SOUTH BROADWAY INDUSTRIAL PARK ADD.	128.29
LOTS 41-43 STITES NOW GROVE AVE. STITES BROS. 2ND. ADD.	120.24
LOTS 157-159 MADISON AVE. LOGAN ADD.	120.24
LOTS 1-3-5-7 BLOCK 2 KANSAS ADD.	120.24

LOTS 72-74 BLOCK 6 KANSAS ADD.	120.24
LOTS 56-58 KANSAS AVE. PARKVIEW ADD.	120.24
LOTS 22-24 MINNESOTA AVE. PARKVIEW ADD.	120.24
LOTS 38-40 MT OLIVE NOW CHAUTAUQUA GIRARD ADD.	120.24
LOTS 32-34 2ND. FAIRMOUNT ORCHARDS ADD.	120.24
E1/2 LOT 21 - ALL LOT 23 & W1/2 LOT 25 & 1/2 VAC ALLEY ADJ ON N BLOCK G PROSPECT HILL ADD.	120.24
S 1 FT LOT 11 & N 50 FT LOT 12 BLOCK 4 RIDGECREST ADD.	120.24
LOT 2 BLOCK C CHISHOLM PARK ESTATES 2ND. ADD.	120.24
LOTS 35-37 MILLWOOD AVE BLOCK F PRINCESS ADD	120.24
EVEN LOTS 12 TO 36 INC	128.29

SHERIDAN AVE COLLEGE ADD. UTILITY ROLL	
LOT 24 BLOCK 10 ORCHARD PARK ADD.	120.24
LOT 7 HATCHER-GOMEZ ADD.	120.24

SECTION 2. This ordinance shall take effect and be in force from and after its passage by the city council and publication once in the official City newspaper.

ADOPTED at Wichita, Kansas, this **21st** day of **July, 2009**.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form

Gary E. Rebenstorf, Director of Law

Published in The Wichita Eagle on **July 24, 2009**

ORDINANCE NO. 48-373

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF ABATING CERTAIN PUBLIC HEALTH NUISANCES (**LOT CLEAN UP**) UNDER THE PROVISION OF SECTION 7.40.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
LOTS 2-4-6 EXC E 82 FT WACO AVE. FITZGERALD'S 2ND. ADD.	369.40
LOTS 40-42 WATER ST. TILFORD'S ADD.	178.40
LOT 14 BLOCK 4 WOMER'S SHERWOOD GLEN ADD.	185.00
LOTS 48-50-52-54 GETTO NOW NEW YORK AVE. GETTO'S ADD.	1,005.32
LOT 41 & N 8 1/3 FT LOT 43 INDIANA AVE. BURLEIGH'S 3RD. ADD.	406.65

LOTS 3-4 COTTAGE PARK ADD.	390.00
LOT 13 FOX-HUEY ADD.	773.10
LOT 7 BLOCK 1 MURRAY'S ADD.	223.00
LOTS 33-35 & S 1/2 LOT 37 MC INTYRE & STEELE'S SUB.	555.10
LOTS 72-74-76 ASH ST. ELEVENTH ST. ADD.	668.80
PORTION RESERVE I LY E OF MINNESOTA AVE SWAN'S ADD.	201.40
LOTS 106-107 ROSENTHAL'S 2ND. ADD.	742.45
LOT 203 ROSENTHAL'S 2ND. ADD.	257.25
LOTS 228-229 ROSENTHAL'S 2ND. ADD.	509.47
E 50 FT LOTS 182-184-186-188 ASH ST. LOGAN ADDITION	489.15

LOTS 25-27 BLOCK 2 KANSAS ADD.	844.86
LOTS 79-81 STRONG NOW ASH ST. STOUT'S ADD.	663.10
LOTS 41-43 PIATT AVE. PARKVIEW ADD.	400.00
LOTS 50-52 GREEN ST. FAIRMOUNT PARK ADD.	328.40
LOTS 33-35 BLOCK 2 ESTERBROOK PARK ADD.	828.00
LOTS 26-28 SCHWEITER'S 4TH. ADD.	741.32
LOT 2 BLOCK 4 PARKMORE ADD.	230.80
LOT 10 BLOCK 4 BEVERLY MANOR ADD.	671.90
LOT 14 BLOCK G MILLAIR ADD.	423.71
LOT 33 BLOCK 13 SHADYBROOK ADD.	582.85

LOT 3 BLOCK 2 EAST HIGHLAND NORTH ADD.	871.72
LOT 4 BLOCK 4 BUILDER'S FIRST ADD.	507.00
N 10 FT LOT 33-ALL LOTS 34-35 BLOCK 16 UNIVERSITY HEIGHTS ADD.	332.50
N 20 FT LOT 20-ALL LOT 21 & S 15 FT LOT 22 BLOCK 23 UNIVERSITY HEIGHTS ADD.	4,005.00
LOT 9 BLOCK Y AUDREY MATLOCK HEIGHTS 1ST. ADD.	777.50
LOT 3 BLOCK E HILLTOP MANOR SUB. A REPLAT OF PART HILLTOP MANOR & HILLTOP MANOR 2ND.	943.78
LOT 10 BLOCK B WESTBREEZE 2ND. ADD.	366.50

SECTION 2. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **21st day of July, 2009**.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
July 14, 2009

TO: Mayor and City Council Members

SUBJECT: 2010/2011 Proposed Operating Budget

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Receive 2010/2011 City Manager's Proposed Budget and set future public hearings.

Background: The City Council has received the City Manager's Proposed 2010/2011 Budget. The proposed 2010 annual operating budget is \$496,899,703 which does not include internal service funds, capital projects, grant funds, trust funds or interfund transfers. The 2010 Proposed Budget would require an estimated mill levy of 32.056 mills – equal to the rate levied in 2009, and projected to remain unchanged for the sixteenth consecutive year. The 2010 General Fund budget is balanced with an ending balance projected to be within City Council policy of 10 percent of expenditures.

Wichita State University was commissioned to assist with the budget development process by conducting an environmental scan which identified key issues and areas for improvement. Staff from WSU facilitated workshops on June 9 and June 23 identifying three types of services: Core, Essential, and Support. The City Council identified core services as the highest priority including functions that:

- Ensure the physical safety of people in the community
- Protect the private property of people in the community.
- Provide and protect public investment for quality infrastructure.
- Promote economic development that maximizes return on investments to create a healthy community.

A Community meeting on July 1 for District Advisory Board members and the public gave citizens the opportunity to provide feedback prior to the presentation of the 2010 Budget.

Analysis:

The 2010 Proposed Budget has been developed utilizing an environmental scan from Wichita State University identifying core priorities, guiding principles, feedback received from City Council and the District Advisory Board meeting.

The 2010 Proposed Budget will be presented on July 21. Three public hearing opportunities will be scheduled – July 21, August 4 and August 11.

Financial Considerations: The proposed operating budget does not include a mill levy increase as presented, based on the budgeted taxes to be levied and the estimated assessed valuation provided by the Sedgwick County Clerk's Office.

Goal Impact: The City Budget serves as the strategic management guide for allocating resources based upon the four "Core Principles".

Legal Considerations: As required by law, the city of Wichita must hold two public hearings on the budget. One public hearing is required to formally adopt the budget. This must be held at least 10 days prior to August 25: it is scheduled for August 11, 2009. A second public hearing is required to publish notice of the 2010 Proposed Budget, including notice of the maximum amount of taxes to be levied. This public hearing must be at least 10 days prior to the date of budget adoption (August 11th); it is scheduled for July 21, 2009.

Recommendation/Action: It is recommended that the City Council receive the 2010 City manager's Proposed Operating Budget and set future public hearings on:

- July 21, 2009 – Set maximum amount of taxes levied – receive public comment
- August 4, 2009 – Receive public comment
- August 11, 2009 – Receive public comment – formally adopt the budget

Second Reading Ordinances for July 14, 2009 (first read on July 7, 2009)

Broadway Bridge at 34th Street South. (District III)

ORDINANCE NO. 48-360

An ordinance declaring the Broadway Bridge at 34th street south (472-84830) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

PUD2008-08-City Planned Unit Development request from SF-5 Single-family Residential (“SF-5”) zoning to create PUD #29, the Moussavi Office Park Planned Unit Development; generally located north of Harry Street, between Rock Road and Webb Road. (District II)

ORDINANCE NO. 48-361

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended.

ZON2009-00015-City zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”) with a protective Overlay (“PO”); generally located south of Maple Street and west of Tyler Road.

ORDINANCE NO. 48-362

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended.

SUB 2009-19—Request to vacate a platted easement and a contingent alley, generally located east of Hydraulic Avenue and north of 10th Street.

ORDINANCE NO. 48-363

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, adopted by Section 28.04.010, as amended.

Public Hearing and Second Amendment of Redevelopment Plan – Douglas and Hillside
Redevelopment District, (District II)

ORDINANCE NO. 48-364

An ordinance adopting a second amendment to the project plan for the Douglas and Hillside redevelopment district.

Meridian Improvement, 71st Street South to 47th Street South. (District IV)

ORDINANCE NO. 48-365

An ordinance declaring Meridian, from $\frac{3}{4}$ mile south of 47th Street South to 47th Street South (472-84839) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.